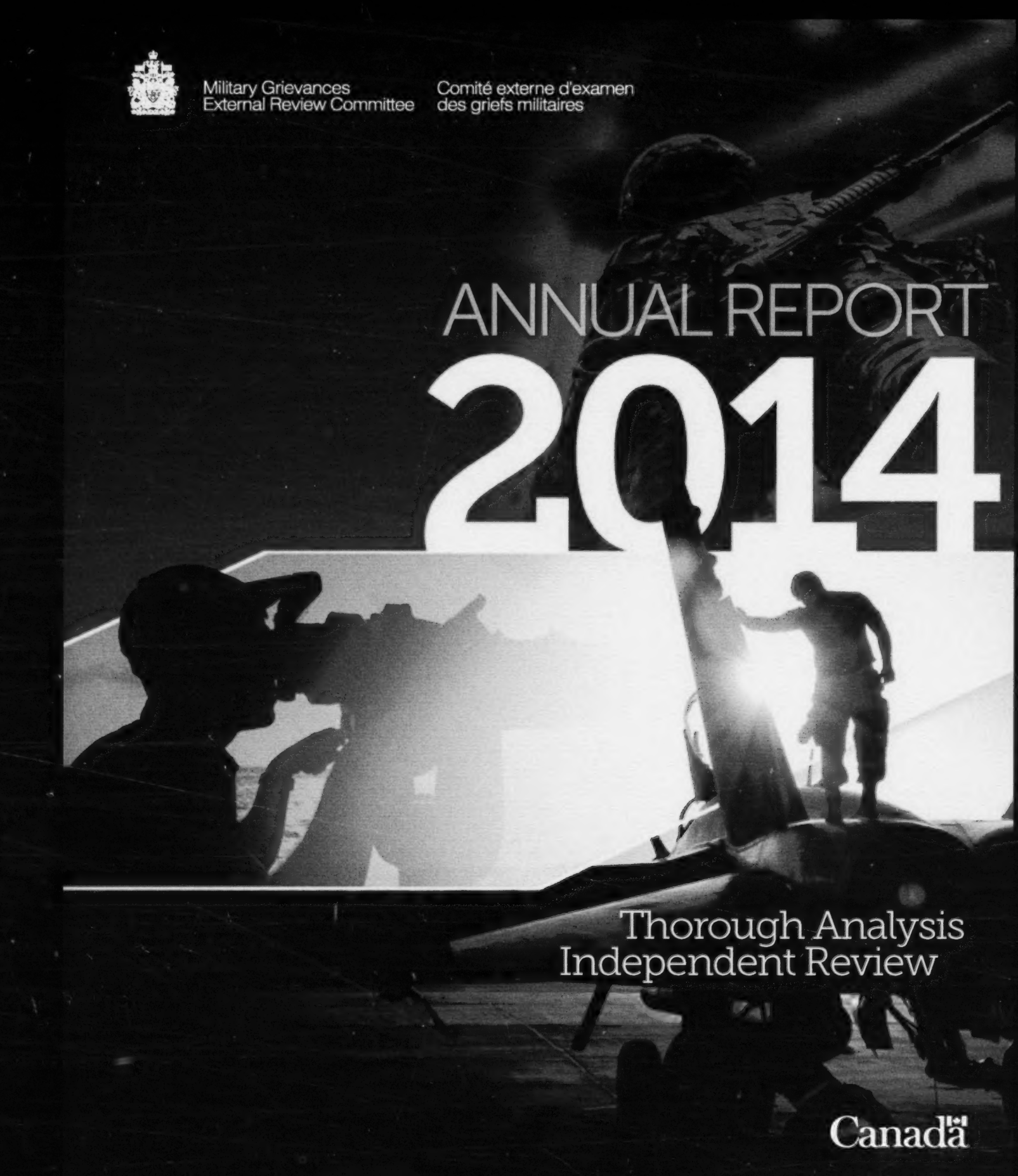


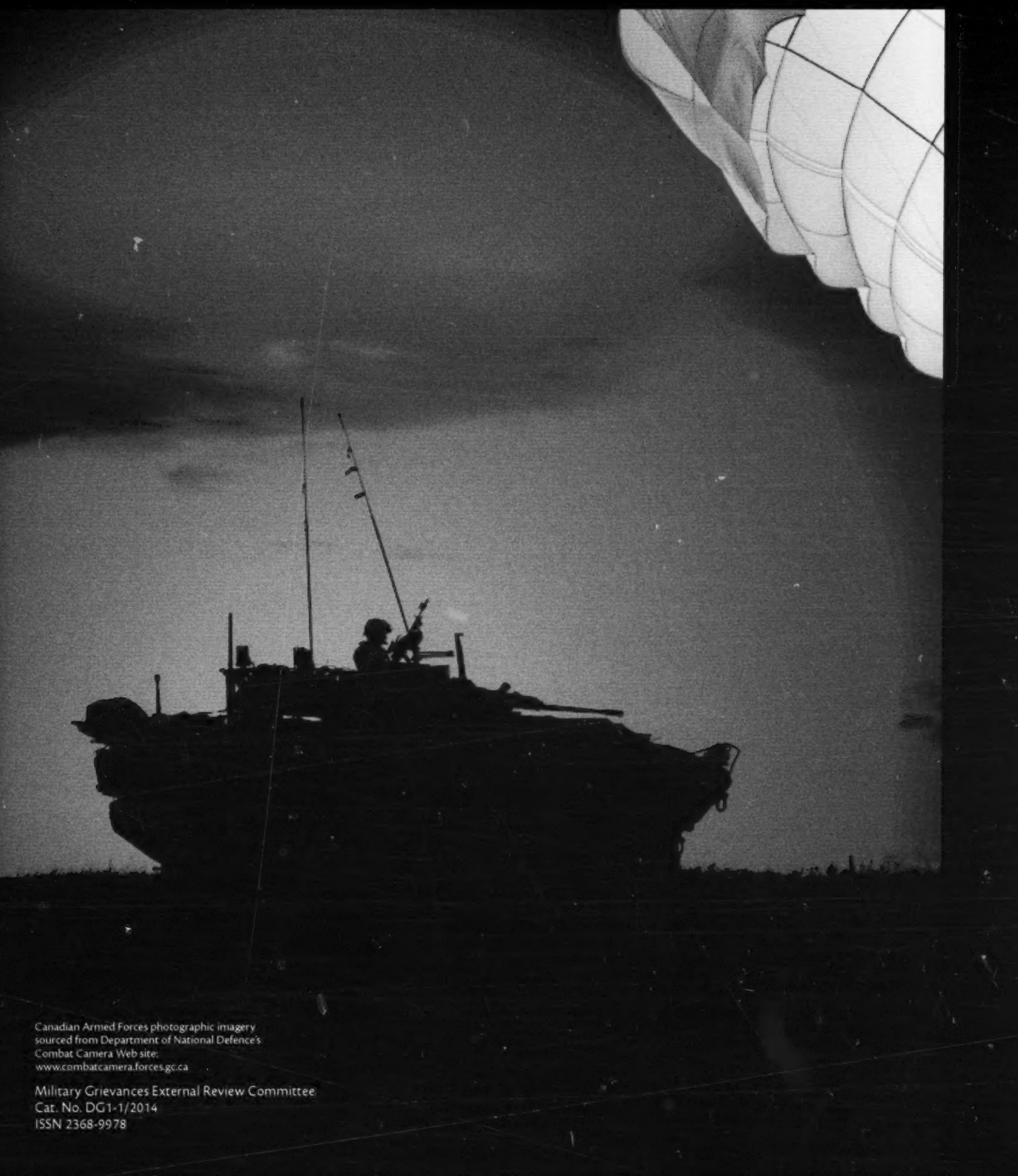
Military Grievances External Review Committee

Comité externe d'examen des griefs militaires

ANNUAL REPORT 2014

Thorough Analysis Independent Review

Canada



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Military Grievances External Review Committee
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ANNUAL REPORT 2014

Thorough Analysis
Independent Review

March 31, 2015

The Honourable Jason Kenney
Minister of National Defence
National Defence Headquarters
MGen Georges R. Pearkes Building
101 Colonel By Drive
Ottawa, Ontario
K1A 0K2

Dear Minister,

Pursuant to section 29.28(1) of the *National Defence Act*, I hereby submit the 2014 annual report on the activities of the Military Grievances External Review Committee for tabling in Parliament.

Yours truly,

Bruno Hamel
Chairperson

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FOR THE PURPOSE OF THIS REPORT:

1. The new name of the organisation (Military Grievances External Review Committee) is used in this document even when the content refers to periods preceding 19 June 2013 when the name change became effective.

2. The acronyms most commonly used are:
   CAF: Canadian Armed Forces
   CDS: Chief of the Defence Staff
   MGERC: Military Grievances External Review Committee

MESSAGE FROM THE CHAIRPERSON

As the Chairperson of the Military Grievances External Review Committee, I am pleased to submit the Committee's 2014 Annual Report.

The year 2014 was a busy one for the Committee with a record number of cases referred for its review (214) and a record number of findings and recommendations (F&R) issued (171). It was a year during which the capacity of both the operations and internal services sections to adapt to a significant increase in the workload was put to the test. As you will see in the pages of this report, both sections have successfully managed to face the challenge without compromising their efficiency and the quality of their work.

One reason why a greater number of files were referred to the Committee is that we continued to receive cases belonging to non-mandatory categories, under the referral model[1] being evaluated by the Canadian Armed Forces (CAF) since 2011. Another reason was that the Committee started to feel the effect of the Chief of the Defense Staff's (CDS) decision to reduce the CAF grievance backlog at the initial authority level (Operation RESOLUTION)[2].

The challenge for the Committee was to tackle the workload increase without compromising its ability and obligation to handle cases in a fair and expeditious manner, and to continue delivering high quality F&R. It was also important to protect gains in efficiency achieved in previous years. I am happy to report that we were able to meet the challenge and that the results of our efforts were extremely positive. They are presented in detail in the Operational Statistics chapter of this report (p. 26).

In 2014, the capacity of both the operations and internal services sections to adapt to a significant increase in the workload was put to the test. Both sections successfully managed to face the challenge without compromising their efficiency and the quality of their work.

1 Under this model, the Committee would review all grievances reaching the final authority (FA) level where the CAF are unable to resolve the matter to the satisfaction of the grievor. Currently, only four types of grievances are required to be referred for review by the Committee, representing approximately 40% of the total number of grievances that reach the FA level.

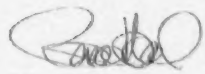
2 The aim of Operation RESOLUTION is to reduce the CAF initial authority grievance backlog by at least 95% by the end of 2014 (31 March 2015 for the Director General Compensation and Benefits), while concurrently ensuring that initial authorities posture themselves to resolve grievances received after 1 June 2014 within four months on a steady state.

This report includes the summaries of 171 F&R reports sent to the CDS and grievors in 2014 and a number of systemic recommendations. The *In Focus* section (p. 8), introduced last year, is used to highlight subjects or issues, including lessons learned, that can provide insight and help stakeholders in resolving grievances and, in some cases, in preventing them. This year, we are discussing two Federal Court of Canada decisions which merit attention for their contribution to jurisprudence. As well, we provide an update on an issue that is still not resolved almost ten years after the Committee first brought it to the attention of the CAF. In 2014, the Committee received yet another grievance from a CAF member disputing the exclusion of past Reserve Force service from a Regular Force annual leave entitlement. The grievance was submitted even though three consecutive CDSs have recognized that the unfair exclusion was the result of an oversight, and the current CDS had clearly instructed a simple policy amendment be made to fix this recurrent problem.

The Committee uses the In Focus *section to highlight subjects or issues, including lessons learned, that can provide insight and help all stakeholders in resolving grievances and, in some cases, in preventing them.*

The year 2014 was also challenging with regards to government wide initiatives aimed at increasing effectiveness and embracing innovation. True to its vision to be a model federal organization, the Committee, as always, made it a priority to align and comply with changes that have affected almost all of its corporate systems, from Human Resources (HR) and Information Management/Information Technology (IM/IT), to Finance and Communications. In particular, the Committee completed the implementation of the new Performance Management directive for all employees, deployed GCDOCS (the Government of Canada's standard information management system), prepared for migration to PeopleSoft and to the new Government of Canada Web site, and developed a social media strategy. Reaching beyond the organization, the Committee established a partnership with another micro-organization, the Civilian Review and Complaints Commission for the RCMP, to share infrastructure and operational costs of IM/IT services. I am also particularly pleased by the fact that the Committee was the first department to complete the implementation of the Common Human Resources Business Process, a key component in the overall modernization of HR across the federal government.

Finally, I am extremely proud that the preliminary results of the 2014 Public Service Employee Survey, received at the time of writing, were extremely positive for the Committee, with significant increases in employee satisfaction. These results reflect the organization's commitment to ensure a healthy and productive workplace and to maintain a relationship with employees and Committee members built on mutual trust, respect and recognition. In return, our employees always exceed expectations in what they do at the Committee, as well as in their wider role of public servants. More importantly, they never rest on their laurels and always seek ways to get better at fulfilling the Committee's mandate with integrity and professionalism.



Bruno Hamel
Chairperson

ABOUT THE COMMITTEE

THE GRIEVANCE CONTEXT

Section 29 of the *National Defence Act* (NDA) provides a statutory right for an officer or a non-commissioned member who has been aggrieved, to grieve a decision, an act or an omission in the administration of the affairs of the Canadian Armed Forces (CAF). The importance of this broad right cannot be overstated since it is, with certain narrow exceptions, the only formal complaint process available to CAF members.

Since it began operations in 2000, the Military Grievances External Review Committee (MGERC) has acted as the external and independent component of the CAF grievance process.

The Committee reviews all military grievances referred to it by the Chief of the Defence Staff (CDS), as stipulated in the NDA and article 7.21 of the *Queen's Regulations and Orders for the Canadian Forces*. Following its review, the Committee submits its findings and recommendations (F&R) to the CDS, at the same time forwarding a copy to the grievor; the CDS is the final decision-maker. The CDS is not bound by the Committee's report, but must provide reasons, in writing, in any case where the Committee's F&R are not accepted. The Committee also has the statutory obligation to deal with all matters as informally and expeditiously as the circumstances and the considerations of fairness permit.

The types of grievances that must be referred to the Committee are those involving administrative actions resulting in deductions from pay and allowances, reversion to a lower rank or release from the CAF; application or interpretation of certain CAF policies, including those relating to conflict of interest, harassment or racist conduct; pay, allowances and other financial benefits; and entitlement to medical care or dental treatment.

The CDS must also refer to the Committee grievances concerning a decision or an act of the CDS in respect of a particular officer or non-commissioned member. Furthermore, the CDS has discretion to refer any other grievance to the Committee.

MISSION

The Military Grievances External Review Committee provides an independent and external review of military grievances. In doing so, the Committee strengthens confidence in, and adds to the fairness of, the Canadian Armed Forces grievance process.

MANDATE

The Military Grievances External Review Committee is an independent administrative tribunal reporting to Parliament through the Minister of National Defence.

The Committee reviews military grievances referred to it pursuant to section 29 of the *National Defence Act* and provides findings and recommendations to the Chief of the Defence Staff and the Canadian Armed Forces member who submitted the grievance.

COMMITTEE STRUCTURE

The Committee consists of Governor in Council (GIC) appointees who, alone or in panel, are responsible for reviewing grievances and issuing F&R.

Under the NDA, the GIC must appoint a full-time Chairperson and at least two Vice-Chairpersons. In addition, the GIC may appoint any other full or part-time members the Committee may require to carry out its functions. Appointments may be for up to four years and may be renewed.

Grievance officers, team leaders and legal counsel work directly with Committee members to provide analyses and legal opinions on a wide range of issues. The responsibilities of the Committee's internal services include administrative services, strategic planning, performance evaluation and reporting, human resources, finance, information management and information technology, and communications.

THE GRIEVANCE PROCESS

The CAF grievance process consists of two levels and begins with the grievor's Commanding Officer (CO).

LEVEL I: REVIEW BY THE INITIAL AUTHORITY (IA)

Step 1: The grievor submits a grievance in writing to his or her CO.

Step 2: The CO acts as the IA if he or she can grant the redress sought. If not, the CO forwards the grievance to the senior officer responsible for dealing with the subject matter. Should the grievance relate to a personal action or decision of an officer who would otherwise be the IA, the grievance is forwarded directly to the next superior officer who is able to act as IA.

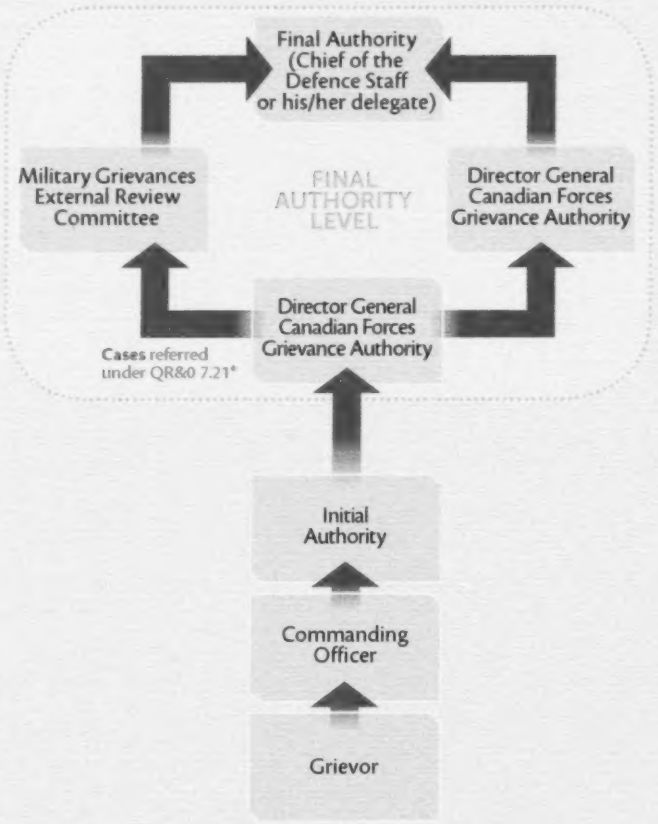
Step 3: The IA renders a decision and, if the grievor is satisfied, the grievance process ends.

LEVEL II: REVIEW BY THE FINAL AUTHORITY (FA)

Grievors who are dissatisfied with their IA's decision are entitled to have their grievance reviewed by the FA, which is the CDS or his/her delegate.

Step 1: The grievor submits his or her grievance to the CDS for FA level consideration and determination.

Step 2: Depending on the subject matter of the grievance, the CDS may be obligated to, or may, in his or her discretion, refer it to the Committee. If the grievance is referred for consideration, the Committee conducts a review and provides its F&R to the CDS and the grievor. Ultimately, the FA makes the final decision on the grievance.


Final Authority (Chief of the Defence Staff or his/her delegate)
Military Grievances External Review Committee
FINAL AUTHORITY LEVEL
Director General Canadian Forces Grievance Authority
Director General Canadian Forces Grievance Authority
Cases referred under QR&O 7.21*
Initial Authority
Commanding Officer
Grievor

*Article 7.21 of the *Queen's Regulations and Orders for the Canadian Forces* sets out the types of grievances that must be referred to the Committee for review once they reach the final authority level.

WHAT HAPPENS WHEN THE COMMITTEE RECEIVES A GRIEVANCE?

The Committee's internal review process consists of three steps: grievance reception, review, and the submission of findings and recommendations (F&R).

1 GRIEVANCE RECEPTION

Upon receipt of a grievance, the grievor is contacted and invited to submit additional comments or other documents relevant to his/her case.

2 REVIEW

The assigned Committee member holds a case conference where the grievance is reviewed and the issues are identified. The Committee member is assisted by a team leader, a grievance officer and legal counsel. If necessary, additional documentation is obtained and added to the file and subsequently disclosed to the grievor. Although rare, it is possible a hearing may be held.

3 FINDINGS AND RECOMMENDATIONS

The Committee member issues the final F&R which are then sent simultaneously to both the CDS and the grievor. At this point, the Committee no longer retains jurisdiction over the grievance. The grievor receives a decision directly from the final authority, which is the CDS or his/her delegate.

IN FOCUS

In this section, the Committee presents two Federal Court of Canada decisions which merit attention for their contribution to the jurisprudence on *de novo* reviews and the adequacy of reasons. As well, the Committee provides an update on the recurring matter of the 30-day annual leave entitlement for members of the Regular Force with prior Reserve Force service, an issue that has been a cause of considerable concern for almost ten years.

FEDERAL COURT DECISIONS

In deciding a grievance reviewed by the Committee, the CDS or his/her delegate is not bound by the Committee's findings and recommendations (F&R). However, if he or she does not agree with the Committee, reasons must be provided. The decision of the final authority (FA) is then final and binding under Section 29.15 of the *National Defence Act* "except for judicial review under the *Federal Courts Act*." This means that, unless a CAF member applies for judicial review, FA decisions – whether in agreeement with the Committee or not – cannot be challenged and must be implemented by the CAF, when necessary.

The Federal Court is the first court level to hear a judicial review application. The Committee is aware of at least 17[1] cases underway before the Federal Court and Federal Court of Appeal in 2014. In the period covered by this report, two important cases had been heard and decided.

DE NOVO REVIEW

In the *Rifai*[2] case, the grievor contested the remedial measure he received, a counselling and probation (C&P), alleging breaches of procedural fairness. The Committee agreed that the grievor's right to procedural fairness was breached and recommended that the C&P be cancelled. However, upon review of the file, the Committee also found that the evidence supported a finding that the conduct of the grievor had been deficient and departed from established standards; and that he should have received an initial counselling (IC).

The FA accepted the Committee's finding that the C&P had not been issued in accordance with the Defence Administrative Orders and Directives (DAOD) 5019-4, Remedial Measures, and was thus not valid. However, the FA performed a *de novo* review of the underlying facts and imposed on the grievor a recorded warning (RW), which was more severe than the remedial measure recommended by the Committee. The grievor challenged the CDS decision in court.

The Federal Court found in favour of the grievor, concluding that "the procedural deficiencies of the DAOD cannot be corrected in retrospect by the FA." It further found that the FA had exceeded his authority "by replacing an invalid measure of performance with a new measure of conduct."

1 *Moodie*, file no. A-272-14; *Rifai*, file no. A-292-14 & A293-14; *Galipeau*, file no. T-88-14; *Bouchard*, file no. T-250-14; *Ouellette*, file no. T-677-14; *Walsh*, file no. T-1205-14; *Morose*, file no. T-1112-14; *Veilleux*, file no. T-1214-14; *Gligbe*, file no. T-1641-14; *Bruce*, file no. T-1491-14; *Rodrigue*, file no. T-1592-14; *Channigh*, file no. T-1794-14; *Bourassa*, file no. T-1598-14 & T-2439-14; *MacCaul*, file no. T-1622-14; *Chua*, file no. T-1957-14; and *Shannon*, file no. T-2439-14.

2 2014 FC 529

In making his decision, Justice Peter Annis noted that important elements of procedure were not followed when the remedial measure was imposed on the grievor: he was not given written notice of the intent to impose a C&P or copies of all the documentation that would support the adoption of the proposed C&P. Justice Annis also noted that the grievor was unable to exercise his right to request assistance or an additional period of time to present his arguments. Finally, the grievor did not have the opportunity to present his arguments to the initiating authority.

In the opinion of Justice Annis, these procedural deficiencies were significant and compromised the procedural fairness of the decision. On that basis, he concluded that it was reasonable to have found the C&P invalid. However, Justice Annis rejected the FA's conclusion that the breaches in fairness had been corrected during the redress of the grievance process.

In his opinion, the jurisprudence[3] supporting the notion that the CAF grievance process allows for a *de novo* review by each level did not intend to allow the Committee or the FA to justify retroactive relief of the fairness requirement at all times. Justice Annis added:

> *[103] Finally, a critical point; it is not clear that section 29.13 of the* National Defence Act *accepts that an FA conduct a* de novo *review, even in a situation where the procedural fairness requirements do not invalidate the entire process. Read carefully, nothing in this section suggests that the FA is authorized to start the analysis again without constraints.*
>
> *[104] I am of the view that section 29.13 provides that the FA will show some restraint toward the [Committee]. Except in cases of recommendations that are clearly erroneous or that attract unexpected consequences, the FA should not deviate from the conclusions drawn from the law and the facts by the [Committee] to undertake a* de novo *process or substitute its opinion for that of the [Committee]. It is a specialized tribunal with powers enabling it to come to conclusions in the area of military remedial measures. The FA, however, does not have any expertise in law or in the area of making findings of fact based on evidence. The intent of the legislation could not be, through section 29.16, to allow the FA to set aside the [Committee]'s decisions without showing that these decisions were not reasonable.*

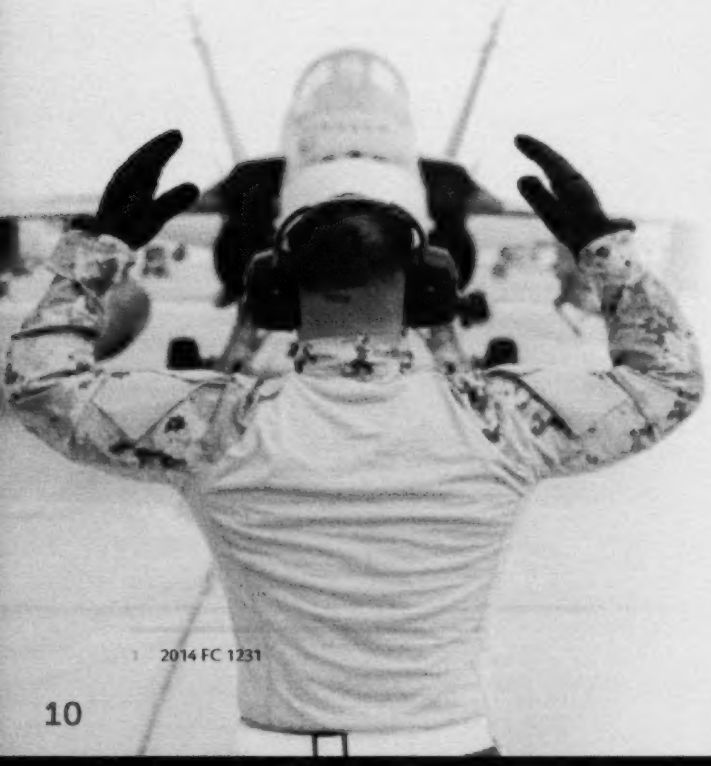
The Court allowed the judicial review and returned the file to the FA for a new determination. This Federal Court decision has been appealed to the Federal Court of Appeal by the Department of National Defence. It will be interesting to see whether that court will agree or not that not all breaches of procedural fairness can be cured by the grievance process and that even after *de novo* review of the facts, a new remedial measure aimed at a different deficiency cannot be imposed to retroactively replace an invalid measure which has been cancelled.

3 McBride v Canada (Minister of National Defence), 2012 FCA 181

ADEQUACY OF REASONS

In another recent case, *Bouchard*[1], the Federal Court issued a decision with respect to the adequacy of the FA's reasons in the grievance process. Here, the grievor had been released on the basis that he was unfit to serve due to medical employment limitations (MELs) assigned to him by the Director Medical Policy (D Med Pol). In the grievor's opinion, the decision of the D Med Pol to change his medical category was based on incomplete and inaccurate information. He contended that he had not been assessed by a medical officer and that, furthermore, the D Med Pol had rendered a decision without reviewing his actual medical file.

The Committee found that the permanent MELs imposed by D Med Pol on the grievor were inconsistent with the medical opinions of the medical officer and the grievor's specialist, who treated him for several years. In addition, the Committee found that absolutely no reasons were given to justify the major discrepancies between the MELs recommended by the grievor's medical officer and those assigned by D Med Pol. The Committee concluded that, in the absence of a valid medical opinion that would support the assigned MELs, as drafted, the medical release could not stand. The FA disagreed with the Committee's F&R and accepted the D Med Pol's opinion that the grievor was unfit to serve due to his MELs. The grievor applied for judicial review.



The Court noted that while the FA relied on and completely accepted the D Med Pol's opinion, he did not fully explain why he had rejected the grievor's specialist diagnosis, which was at odds with the D Med Pol's evaluation. Justice Marie-Josée Bédard wrote:

> *[TRANSLATION] The CDS did not explain why he rejected the opinion of the medical specialist who treats the applicant in favor of that of the D Med Pol. Therefore, I find it impossible to conclude that the CDS' decision is based on a rational and non-arbitrary decision-making process and the way he deals with the conflicting medical evidence seems to me clearly insufficient.*

The Court indicated that it accepted that the D Med Pol was the CAF medical expert with respect to a member's capacity or limitations to perform in a military operational environment. However, he or she was not the expert in terms of the severity of a medical condition and the possible impact of, for instance, the lack of access to medication or the risk of the condition reoccurring – which were factors that were clearly within the grievor's specialist's expertise.

The Court added that while the FA and the D Med Pol did not have to accept the specialist's opinion, they had an obligation to explain why they rejected it. Finally, Justice Bédard made it clear that the FA decision was problematic because it was based on general knowledge of the grievor's type of medical condition rather than his specific situation. As a result, the Court cancelled the FA's decision and ordered that the grievor's file be sent for the assignment of new MELs by different medical officers.

This decision reinforces the FA's statutory obligation to provide reasons for rejecting a Committee F&R, while at the same time confirming that grievors' cases must be reviewed on their own merits. While a policy or a process must be applied consistently, situations differ from one case to another and, as such, the outcome cannot reasonably be the same for all cases.

1 2014 FC 1231

A DECADE-OLD ISSUE STILL UNRESOLVED

For almost ten years now, the Committee has consistently noted that the CAF leave policy[1] does not provide credit for past Reserve Force (Res F) service to qualify for 30 days of annual leave, while doing so for other annual leave entitlements. Finding this exclusion fundamentally unfair, the Committee has recommended in several cases that the policy be amended so that Res F service be taken into account for the calculation of the 30-day annual leave entitlement, and that such changes be made retroactive to 2008.

The Committee is deeply concerned by the fact that nothing seems to have been done to amend an unfair policy, in effect since 2004, even though every single CDS who has adjudicated a grievance on this issue has agreed with the Committee's position.

The issue was first brought to the attention of a former CDS in December 2006. A few months later, the CDS informed the Committee that he agreed with its position and that the matter would be included in a leave policy review scheduled for 2008. More than four years later, the review was still pending. Finally, on 10 July 2013, as he was rendering his decision in yet another 30-day annual leave entitlement related grievance (Committee file no. 2012-117), the current CDS, without waiting for the review to happen, directed that the unfair exclusion be removed from the regulation. He wrote:

> *I agree with Committee's recommendations and find that the provisions contained in QR&O* [Queen's Regulations and Orders] *16.14 (Annual Leave) need to be amended to remove the restriction. The Committee has also recommended that the policy be amended retroactively to 2008 when the review was originally scheduled to occur. Although I agree with the Committee's recommendation that it should be implemented retroactively, I do not necessarily agree that 2008 is the correct implementation date. I will refer this matter to the Chief of Military Personnel and DGCB* [Director General Compensation and Benefits] *for further determination under separate correspondence.*

1 The *Queen's Regulations and Orders for the Canadian Forces* 16.14 and the CF Leave Policy Manual

Unfortunately, a new grievance (Committee file no. 2014-169) related to the same issue was referred to the Committee in 2014. In this case, the grievor asked that his leave entitlement be updated to take into consideration his prior Res F service and argued that CAF policies on leave are discriminatory towards Regular Force members with prior Res F service.

Regardless of the particulars of this case, the Committee was surprised by the fact that the 30-day entitlement to annual leave issue was still not resolved several months after the CDS had directed that the restriction be removed and that the amendment be applied retroactively.

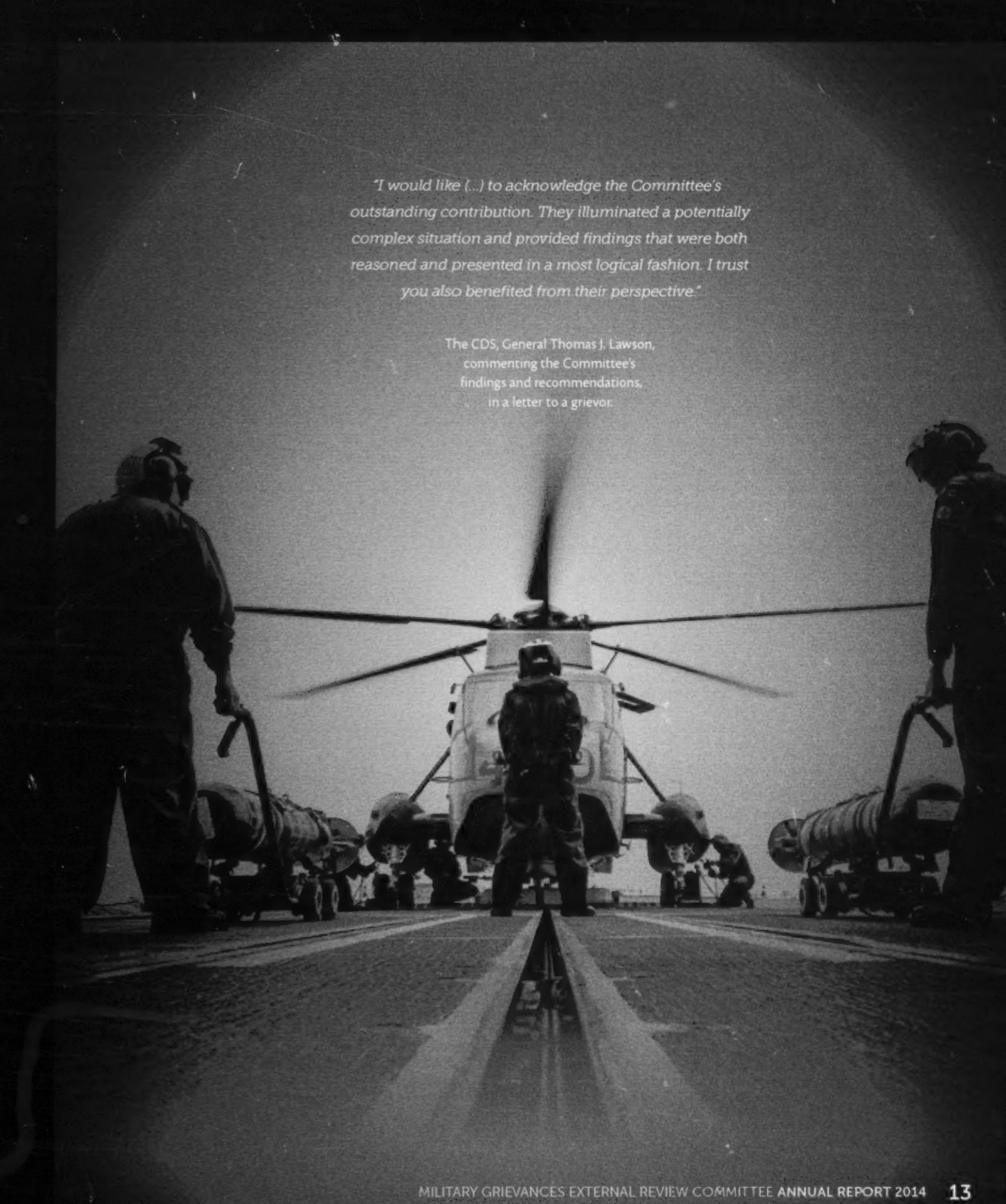
Even more troubling was the fact that the DGCB, acting as the initial authority, wrote the following:

> *... the leave policy for CAF personnel has been the subject of extensive review and analysis in order to ensure that it continues to meet ever evolving requirements. The original decision to limit the expansion of annual entitlement to 30 days to Regular Force service only and its continued application is one of the aspects under review. The conclusion of this review, along with recommendations for improvement if any, will be submitted through the proper chain of command for approval. I, unfortunately, do not anticipate that any amendments to the current policy would be implemented retroactively.*

The Committee notes that the DGCB response fails to recognize that the exclusion is not the result of a "decision to limit an entitlement" but the consequence of an oversight/error that happened when the QR&O were amended in 2004. The CAF has since recognized this error. As well, the CDS has specifically ordered that the restriction be removed and that there should be a retroactive implementation, whereas the DGCB indicates that the entitlement "is under review" and that a retroactive implementation is doubtful.

It is well known to all parties involved in the grievance process that the *National Defence Act* stipulates that CDS decisions are final and binding. Short of a court challenge, the DGCB has no other option than to implement the decision the CDS rendered on 10 July 2013. Furthermore, the delay in implementing that decision is unreasonable and unjustified, knowing that all it requires is a simple amendment to the QR&O. Indeed, Chapter 16 of the QR&O is a regulation issued under ministerial authority and the language of the new provision needed to eliminate the restriction already exists in relation to the 25-day annual leave entitlement. This language must simply be replicated in relation to the 30-day annual leave entitlement.

After almost a decade of grievances related to an issue long recognized both by the Committee and the final authority as being fundamentally unfair, the resistance to amend the QR&O, with a retroactive effect, in accordance with a binding CDS decision, remains unexplained.



"I would like (...) to acknowledge the Committee's outstanding contribution. They illuminated a potentially complex situation and provided findings that were both reasoned and presented in a most logical fashion. I trust you also benefited from their perspective."

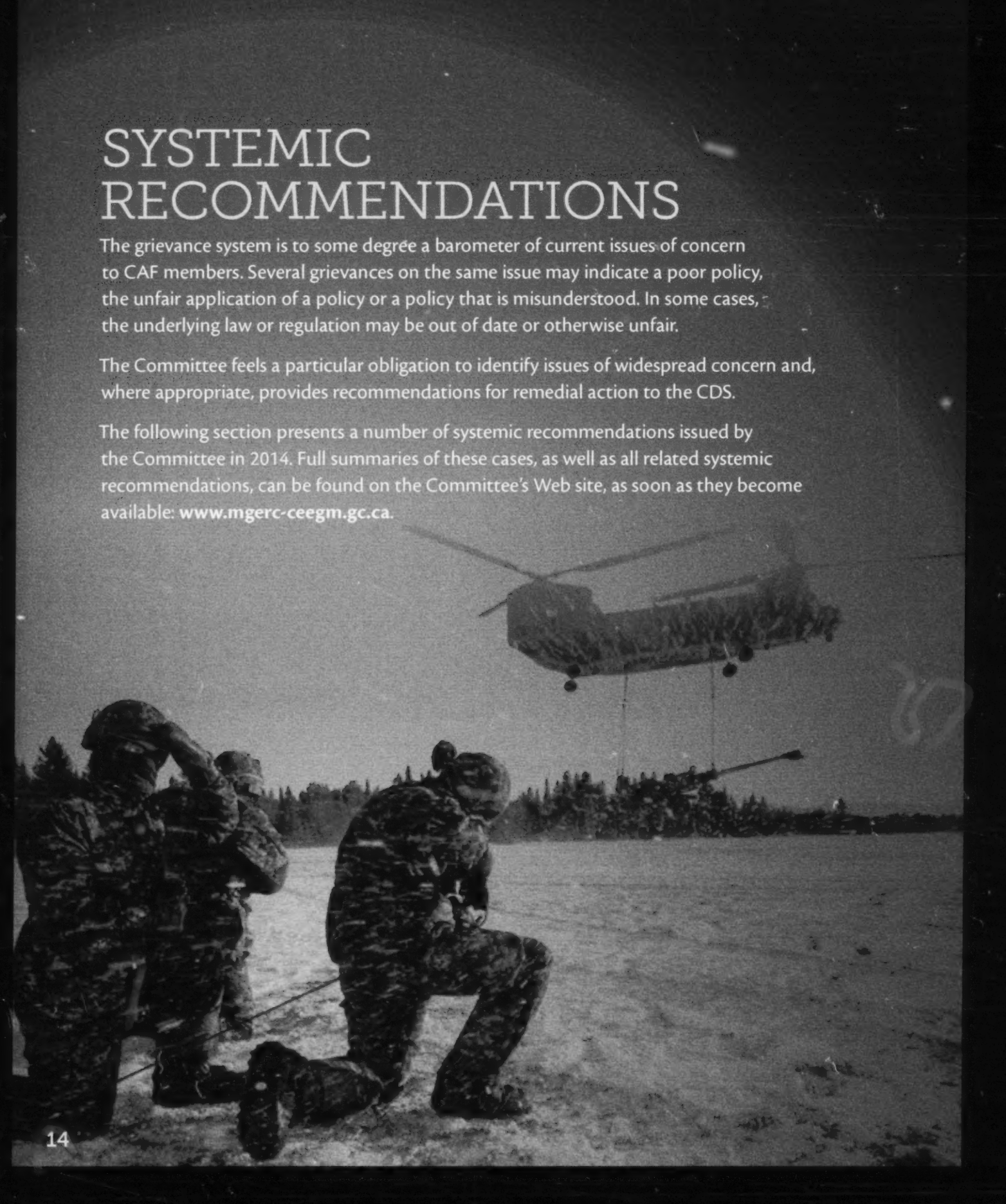
The CDS, General Thomas J. Lawson,
commenting the Committee's
findings and recommendations,
in a letter to a grievor.

SYSTEMIC RECOMMENDATIONS

The grievance system is to some degree a barometer of current issues of concern to CAF members. Several grievances on the same issue may indicate a poor policy, the unfair application of a policy or a policy that is misunderstood. In some cases, the underlying law or regulation may be out of date or otherwise unfair.

The Committee feels a particular obligation to identify issues of widespread concern and, where appropriate, provides recommendations for remedial action to the CDS.

The following section presents a number of systemic recommendations issued by the Committee in 2014. Full summaries of these cases, as well as all related systemic recommendations, can be found on the Committee's Web site, as soon as they become available: **www.mgerc-ceegm.gc.ca**.



TOPIC	ACCURACY OF THE INFORMATION PROVIDED BY THE BASE RELEASE SECTION Case 2013-113
ISSUE	When a CAF member is released from the Regular Force and joins the Reserve Force, he or she meets with Base Release Section and must sign a document entitled *Release Digest*. The Committee noted that this document failed to list the requirements governing the choice of pension benefits. The section *transfer value* indicates that a CAF member with a period of service between 2 and 25 years will receive a letter from the Director Canadian Forces Pension Services advising him or her of the options with respect to applicable benefits. The Committee explained that because the information is not directly attached to the *Release Digest* this leads to situations detrimental to the CAF member, as he or she will be unaware, among other things, of the requirement to await payment of the *transfer value* before being able to receive an income from the Reserve Force.
RECOMMENDATION	The Committee recommended that the CDS order the appropriate authorities to amend the *Release Digest* in order to include the requirements governing pension benefits, thereby ensuring that CAF members possess all the information necessary to make an informed, error-free decision on their choice of pension benefits.

TOPIC	ADDITIONAL CAR RENTAL COSTS Case 2014-008
ISSUE	CAF members who are relocated to a different country are sometimes obliged to have their personal motor vehicle (PMV) inspected and/or modified to meet the host country's motor vehicle specifications. While the cost of the inspection and the required modifications are reimbursed by the CAF under the current relocation policy, the cost of any additional car rental necessitated while the PMV is undergoing the modification is not.
RECOMMENDATION	The Committee recommended that the CDS direct the Chief of Military Personnel to approach the Treasury Board Secretariat and request that the Canadian Forces Integrated Relocation Program directive be amended to include these additional rental costs.

TOPIC	ADMINISTRATION OF IMPOSED RESTRICTION AND SEPARATION EXPENSE Case 2014-094
ISSUE	The Committee noted that a single Separation Expense (SE) rate is being used for private accommodation regardless of where a CAF member is posted, while both commercial and non-commercial SE rates significantly fluctuate depending on the market conditions of each geographical location. The Committee found that allocating a single rate for all locations for private accommodation was not compatible with the definitions found in *Compensation and Benefits Instructions* (CBI) 208.997(2) for *private accommodation* and *fair market value*. In addition, upon reviewing and comparing bachelor and one bedroom apartment rental rates across Canada, the Committee found that the fair market value of a private accommodation should fluctuate from one location to another. The Committee explained that allocating a flat and universal rate for private accommodations: • financially advantaged those who lived in a location where the money allocated by the CAF is superior to the fair market value of their private accommodation; and • financially disadvantaged those who lived in a location where the money allocated by the CAF is inferior to the fair market value of their private accommodation. The Committee noted that in accordance with CBI 208.997(8), the amount of the SE benefit for private accommodations was limited to the amount of the monthly rate approved for a single quarter. In the Committee's view, and in light of the definition of private accommodation, it would be reasonable to create an additional column to account for private accommodation in the Table to CBI 208.997 instead of referring to a rate that is used for another purpose.
RECOMMENDATION	The Committee recommended the establishment of multiple rates for private accommodation in different locations so CAF members receiving SE benefits will be neither financially advantaged, nor disadvantaged, by the varying costs of housing in different locations.

ADMINISTRATION OF OPERATIONAL ALLOWANCES

TOPIC	Cases 2014-020, 2014-156, 2014-187, 2014-197
ISSUE	The Committee reviewed four grievances concerning the payment of operational allowances for pilots flying combat missions. In addition, evidence on the files suggested that there were several similar grievances still at the initial authority level. The multiple grievances provided the Committee with sufficient evidence to conclude that there was differential treatment of CAF pilots in similar or identical circumstances. Specifically, information provided by the Director of Pay Policy and Development showed that pilots were paid different levels of Hardship Allowance (HA) and Risk Allowance (RA) for similar deployments. The Committee found that the inconsistency was partially caused by the incorrect direction issued by the J1 International Operations Administrative Coordinator, which led to confusion concerning entitlements to HA and RA for pilots flying combat missions. The Committee also found that, pursuant to the applicable regulations, HA and RA were post-specific and pilots were not entitled to increased levels of HA and RA for days they flew combat missions.
RECOMMENDATION	Due to the multiple errors and inconsistencies in the administration of these operational allowances, the Committee recommended that an audit be performed on the operations that have occurred in recent years to ensure that aircrews have been paid the correct levels of HA and RA as permitted under the applicable regulations.

ASSIGNMENT OF MILITARY PERSONNEL THROUGH THE OUT-OF-CANADA PROGRAM

TOPIC	Case 2013-069
ISSUE	The grievor, his immediate predecessor and others who followed as part of Canada's latest military contribution to the United Nations Command Military Armistice Commission (UNCMAC) in South Korea, were assigned through the Out-of-Canada Program (OUTCAN) rather than through a formal CAF operation. The Committee found that they should have been assigned through an operation, based on relevant policies and regulations, and that the failure to do so has affected the protections and benefits available to those CAF members in relation to their deployments.
RECOMMENDATIONS	The Committee recommended that Canada's latest contribution to the UNCMAC be amended to reflect a CAF operation. The Committee recommended that the records of CAF members who were deployed to the UNMAC before or after the grievor, be amended to reflect an operational tour, that their entitlements and benefits be reviewed in light of this recommendation and that they be provided with a copy of the Committee's report.

TRAINING AND EDUCATION IN BOTH OFFICIAL LANGUAGES

TOPIC

Case 2013-067

ISSUE

While reviewing the grievance from a CAF member who had failed his apprentice refrigeration technician course, the Committee obtained confirmation that, when courses are given exclusively in English, the Canadian Forces School of Military Engineering (CFSME) fails to provide simultaneous interpretation of all the subject matter or translation of the course materials. Paragraph 2 of CFSME Order 5-02 states that representatives of the chain of command shall encourage staff and students to provide and receive services in the official language of their choice as much as possible. The order goes on to state that "clearly, the availability of personnel and resources will have an impact on the School's ability to achieve this objective."[1] The Committee concluded that this caveat infringes Defence Administrative Order and Directive (DAOD) 5039-6, Delivery of Training and Education in Both Official Languages. The Committee concluded that neither the CFSME nor any other CAF organization may restrict the rights granted to CAF members through DAOD 5039-6 on the sole grounds that they lack the necessary resources to set up a system allowing them to be in compliance. CAF members selected and assigned to the occupation of refrigeration technician, or to any other occupation, must be able to take their individual training in the official language of their choice.

[1] As the original English text was not available, this excerpt is a translation from the French.

RECOMMENDATIONS

The Committee recommended that the CDS order the immediate review and rewording of CFSME Order 5-02 to conform with DOAD 5039-6 regarding individual training and education. The Committee also recommended that the CDS order the appropriate authorities to promptly take the necessary steps to implement a teaching environment that will honour CAF commitments (DAOD 5039-6) regarding individual training and education for the apprentice refrigeration technician course.

The Committee recommended that the CDS order the appropriate authorities to set up (if not already established) a mechanism that would ensure that a CAF member can take individual training in the official language of their choice and, in particular, prevent a CAF member with no language profile, or with a minimal language profile in their second language, from being enrolled in an individual training and education course in their second language.

DEDUCTION OF INCOME TAX AT SOURCE

TOPIC	Case 2014-173
ISSUE	The grievor elected to cash-out his Payment in Lieu (PIL) of the Canadian Forces Severance Pay (CFSP) prior to the 28 March 2013 deadline. His Letter of Authority from the Canada Revenue Agency (CRA) to not withhold income tax at source in order to contribute the full amount to a Registered Retirement Savings Plan was submitted to the grievor's chain of command after the election deadline but before the payment was made. The Committee determined that the regulatory deadline of 28 March 2013 for the election of the PIL did not apply to the administrative requirement for the Letter of Authority in order for the CAF to not withhold income tax. The Committee therefore concluded that the CAF inappropriately bound the non-taxation of the PIL to the receipt of a copy of the CRA Form T1213 submitted to the CRA or the CRA Letter of Authority by 28 March 2013. The grievor's chain of command indicated that there were additional personnel within the grievor's formation who had the same issue of income tax being deducted in error. The Committee found that the staff interpretation and application of the PIL regulatory and administrative policy resulted in the CAF withholding in error income tax on a number of CAF members' PILs.
RECOMMENDATION	The Committee recommended that the CAF identify members who had provided their CRA Letter of Authority (stating that their PIL was not to be taxed at source prior to the payment being effected) but still had income tax withheld and that their situation be corrected.

TOPIC	LANGUAGE SKILLS AT ENROLLMENT Case 2013-063
ISSUE	The Committee considered the possibility of requiring candidates for the Public Affairs Officer Course to take a skill test in their first official language declared at enrollment. Documentation obtained by the Committee confirmed that the CAF currently do not test the language skill level of recruits in their declared first official language, no matter what military occupation is desired. The Committee determined that section 91 of the *Official Languages Act* allows federal organizations to impose an entry standard for official language proficiency when justified by the duties of the job. The Committee emphasized that the courts have recognized that such a requirement must not be discriminatory. The Committee also observed that, when entry requirements justify it, other occupations could benefit from such an entrance test.
RECOMMENDATION	The Committee recommended that the CDS order that a *bona fide* occupational requirement for competence and proficiency in the first official language be developed and enforced for the Public Affairs Officer military occupation.

TOPIC	LOSS OF ACCUMULATED RESERVE FORCE RETIREMENT GRATUITY BENEFITS Cases 2014-066, 2014-068
ISSUE	Canadian Forces General Order (CANFORGEN) 062/12 announced the cessation of severance accumulation for CAF members. The Committee noted that this announcement was very similar and in line with the recent changes to severance pay for the core public administration, Governor-in-Council appointments, executives and law management groups for the public service, which saw the accumulation of severance pay type benefits progressively ceased across the federal government. However, individuals were not stripped of their accrued entitlements. They were simply no longer permitted to accumulate new entitlements. The Committee determined that contrary to what had been done across the federal government and what was contemplated by CANFORGEN 062/12, a small segment of the CAF population, had, in fact, lost their accrued Reserve Force Retirement Gratuity (RFRG) benefit because *Compensation and Benefit Instructions* (CBI) 204.40 no longer contained the *deemed service* provision previously contained in CBI 204.54(18) applicable to some CAF members who had transferred from the Primary Reserve to another sub-component of the Reserve Force. The Committee found this situation fundamentally unfair and concluded that all CAF members should have had their accrued severance type benefit recognized as it was for all federal government employees.
RECOMMENDATION	The Committee recommended that the CDS direct the Chief of Military Personnel to quickly develop, in conjunction with the Treasury Board Secretariat, a solution by which the entitlement to payment in recognition of the accrued RFRG benefit can be reinstated to all members of the CAF segment which lost it as a result of the failure to include the previous CBI 204.54(18) *deemed service* provision in the current CBI 204.40.

TOPIC	LOSS OF PENSION BENEFIT UPON TRANSFER TO THE SUPPLEMENTARY RESERVE Case 2014-031
ISSUE	Primary Reserve members electing to transfer to the Supplementary Reserve upon retirement may lose up to 12 months of pension benefits if they are unaware of the policy. Therefore, the Release Form should be revised as soon as possible in order to further reduce the likelihood of confusion and error.
RECOMMENDATION	The Committee recommended changes to the Release Form as follows: • clauses 16 and 19 should either be consecutively numbered or linked together in the same clause by the word *however*, so that it is clear that choosing to transfer to a sub-component includes choosing not to receive one's pension benefits for 12 months; and • because this clause is so important, it should be located at the beginning of the Release Form rather than at the end. Furthermore, it should be in bold font to capture the reader's attention.

TOPIC	MEAL RATES (OPERATION AUGURAL KARTHOUM) Cases 2014-061, 2014-139
ISSUE	The Standing Orders for Operation (OP) AUGURAL Khartoum stated in May 2006 that the meal rate was 60% of the published Treasury Board (TB) daily meal rate. The Joining Instructions, however, stated that the daily meal allowance was 75% of the published TB rate. Additionally, various *Military Foreign Service Instructions* (MFSIs) published over the course of the mission also authorized different rates. Nonetheless, the CAF members who served in OP AUGURAL Khartoum were initially paid at the 75% rate. However, in June 2010, the grievor was advised that the Director Compensation and Benefits Administration (DCBA) had directed a recovery from him on the basis that the 75% rate paid was incorrect, and that 60% was the authorized rate. Recovery was subsequently initiated against all CAF members who served in OP AUGURAL Khartoum on the grounds that they were all overpaid for their meal claims. The Committee acknowledged that the CAF members deployed to Khartoum during OP AUGURAL were called upon to make a considerable commitment and self-sacrifice under difficult living and working conditions and found that the daily meal rate of 75% originally paid to these CAF members had merit based upon the evidence gathered. The Committee also noted that the intent of the allowances and benefits under the MFSIs is to recognize and facilitate a CAF member's service outside Canada and to ensure that they should be neither better nor worse off than their counterparts serving in Canada. The Committee found that reducing the 75% meal rate and recovering substantial sums of money from CAF members who served in OP AUGURAL Khartoum was unjust because it made them worse off than CAF members serving in Canada, and caused them financial harm by requiring they absorb the out-of-pocket cost of their meals while on assignment overseas when that is clearly not the intent of the policy. The Committee found it unreasonable for the DCBA to arbitrarily reduce the meal rate and initiate recovery action without first making a concerted effort to determine whether the original 75% rate, paid from 2004 to 2010, had any merit. The Committee concluded that, under the MFSIs policy, it remains open to the CDS to restore the rate to the original 75% based on the evidence provided, and that this action would permit the CAF to correct the injustice of recovering monies from the members of OP AUGURAL Khartoum.
RECOMMENDATION	The Committee recommended that the CDS direct the Chief of Military Personnel to retroactively increase the daily meal rate for OP AUGURAL Khartoum to 75% of the $102.00 TB authorized daily meal allowance and that all CAF members who served on OP AUGURAL Khartoum be compensated accordingly.

TOPIC	PILOTS' PAY AND PROMOTION Case 2014-007
ISSUE	On 19 April 2013, the current CDS, as final authority in the grievance process, changed a practice relating to pilot promotion that had been approved and confirmed by the previous CDS, also as final authority, as it was and is within his authority to do so. The Committee determined that the current CDS decision cannot have a retroactive effect. In other words, the current CDS cannot change retroactively the impact of previous final and binding CDS decisions.
RECOMMENDATIONS	The Committee recommended that all the pilots who achieved Wing Standard prior to 19 April 2013 have their pay and promotion files reviewed and corrected in accordance with the previous CDS' practice (retroactive promotion to the rank of Captain (Capt) - General Safety Officer (GSO)). Given the various and conflicting practices and policies applied over the past years, the Committee recommended that the CDS (or the Chief of Military Personnel) issue a Canadian Forces General Order (CANFORGEN) in which the following would be made clear: • the backdating of promotions to the rank of Capt GSO upon attaining Wings Standard is to be applied to all trainee Pilots who completed their training before 19 April 2013; • the current CDS' directions in his decision of 19 April 2013 are to be applied to all pilots who completed their training from that date until new policies are issued; • the various regulations and principles applicable to the determination of the pay increment anniversary dates for the corresponding periods; and • the CAF are currently working on policy amendments and all CAF members will be informed of the modification when completed and available.

TOPIC	PROMOTION DATE WHILE ON MATERNITY/PATERNITY LEAVE Case 2014-117
ISSUE	The Committee found the CAF practice of delaying a promotion until 1 December of a given year because a CAF member is on maternity or paternity leave to be a discriminatory practice based on prohibited grounds of sex and family status, as defined by the *Canadian Human Rights Act* on the basis that it negatively affects an employee because of pregnancy or pregnancy-related conditions or circumstances. As this represented a general CAF practice and the evidence on the file suggested that other individuals had been affected, the Committee found that there was a need to review both the practice and instances where others may have been negatively affected.
RECOMMENDATIONS	The Committee recommended that the CDS direct a review of those individuals whose promotion was delayed until 1 December of a given promotion year if their situation met that of paragraph 3.A of Canadian Forces General Order (CANFORGEN) 73/06. The Committee recommended that the CDS direct a review of the Director Military Careers Standard Operating Procedure 004 to ensure that promotion practices related to military personnel on maternity or parental leave are not discriminatory.

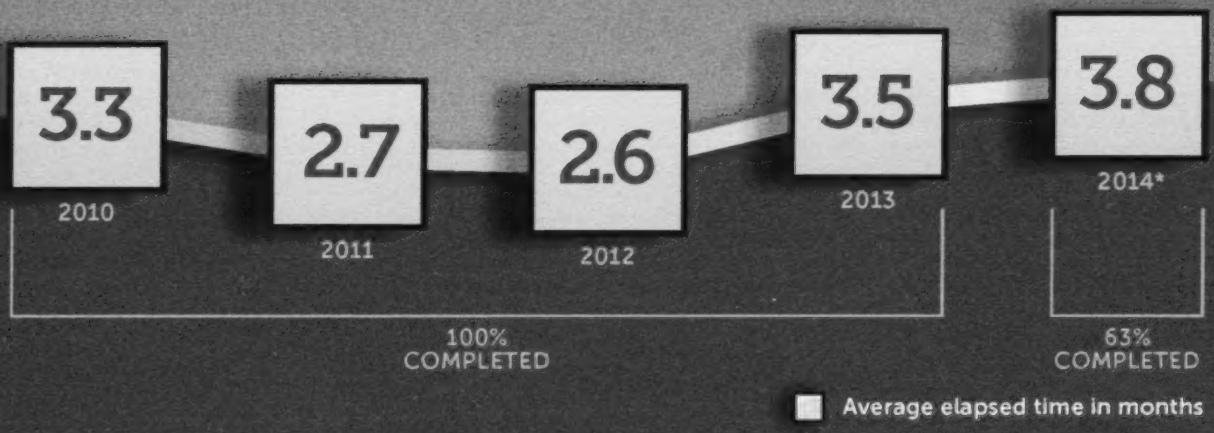
TOPIC	SELECTION BOARD CANDIDATES LIST PROCESS Case 2013-121
ISSUE	The Committee was of the opinion that the current provision contained in the Canadian Forces Selection Board Guidance Manual requiring the reduction of the score of Personnel Evaluation Reports (PERs) in the previous rank by exactly half for the purpose of establishing the Selection Board Candidate List (SBCL) was unreasonable and unfair. As such, the Committee found that this provision was flawed and did not deliver the desired effect, resulting in competitive files being automatically excluded.
RECOMMENDATION	The Committee recommended that the CDS put an end to the practice of automatically reducing the score of PERs in the previous rank by half for the purpose of establishing the SBCL.

OPERATIONAL STATISTICS

A TIMELY REVIEW

In 2014, the Committee continued to maintain the average time for completing the review of grievances under its productivity standard of four months, despite a significant increase in the volume of referrals, which reached a record high of 214 cases. The Committee made findings and recommendations (F&R) on 171 cases, the highest number of F&R reports issued since it began operations in 2000.

FIGURE 1 illustrates the average elapsed time taken on cases completed over the last five years.



Data as of December 31, 2014

* Not all cases received in 2014 have been completed as of December 31, 2014.
These statistics will be adjusted in future reports to include the balance of the cases received in 2014.

AN INDEPENDENT REVIEW

As an administrative tribunal, the Committee has the obligation to review every case fairly and impartially. Each file is reviewed carefully and on its own merits while taking into consideration the issues raised in the grievance, the relevant evidence and the submissions of both the grievor and the CAF authorities.

Between 2010 and 2014, the Committee issued F&R on 703 grievances of which 51.8% (364 cases) found that the grievor had been aggrieved by a decision, act or omission in the administration of the affairs of the CAF. In 47.1% (331 cases), the Committee recommended that the grievance be denied.

Starting in 2014, the Committee made changes to the way it captures its statistics where it had determined that a CAF member had been aggrieved. The Committee recommended to grant full or partial remedy in 93.3% of such cases. In one case, a remedy could not be recommended (i.e., the grievor was no longer a CAF member or the issue of the grievance was moot). In five cases, the Committee recommended that a remedy be obtained outside of the grievance process, rather than be granted by the CDS.

FIGURE 2 **sets out the distribution of the Committee's recommendations issued between 2010 and 2014 (703 cases as of December 31, 2014).**

Note: Totals may not add to 100% due to rounding.

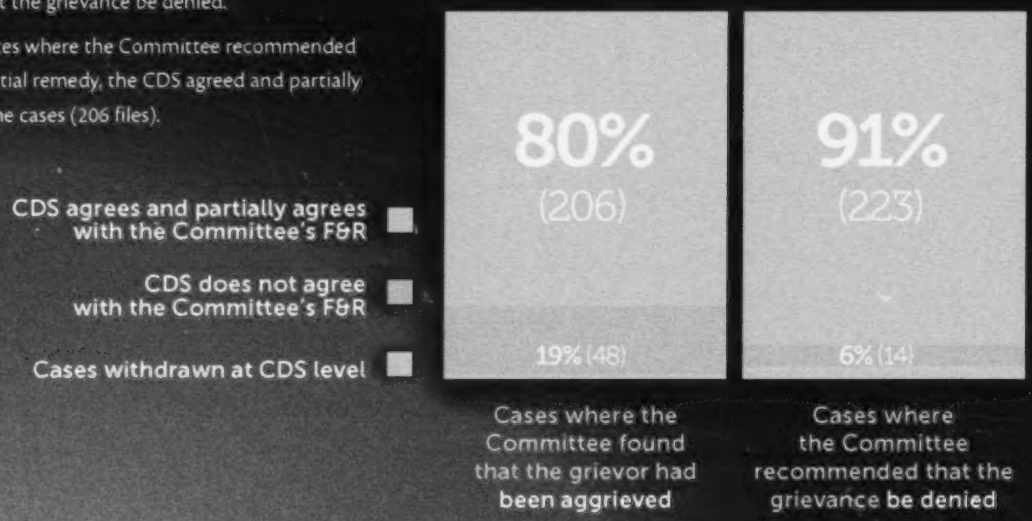
* Cases that were referred for which the Committee concluded that the matter was not grievable or the party had no right to grieve (e.g., a retired CAF member).

KEY RESULTS

In the last five years, the CDS rendered decisions on 501 cases out of 703 reviewed by the Committee. A total of 256 of these decisions addressed cases where the Committee found that the grievor had been aggrieved by a decision, act or omission in the administration of the affairs of the CAF. The remaining 245 decisions addressed cases where the Committee recommended that the grievance be denied.

In the 256 grievances where the Committee recommended granting full or partial remedy, the CDS agreed and partially agreed in 80% of the cases (206 files).

FIGURE 3 illustrates the distribution of the CDS decisions issued between 2010 and 2014 for these two categories as of December 31, 2014.


CDS agrees and partially agrees with the Committee's F&R
CDS does not agree with the Committee's F&R
Cases withdrawn at CDS level
80%
(206)
19% (48)
91%
(223)
6% (14)
Cases where the Committee found that the grievor had been aggrieved
Cases where the Committee recommended that the grievance be denied

ANNUAL WORKLOAD

COMPLETED GRIEVANCE REVIEWS

The following table outlines the distribution by recommended outcomes of the 171 cases completed by the Committee in 2014.

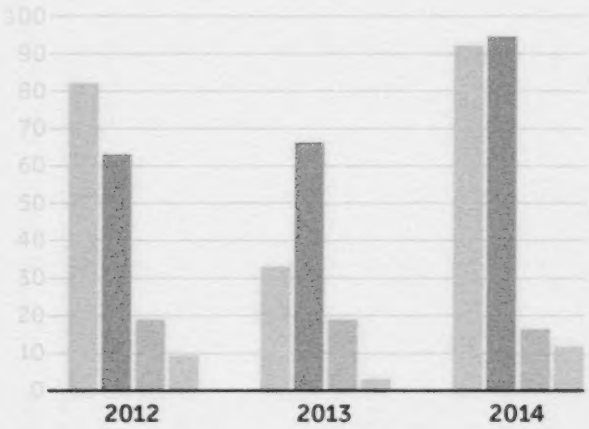
	Financial	General	Harassment-Discrimination	Release	Total
Aggrieved	37	39	5	8	89
Recommend no remedy	0	1	0	0	1
Recommend outside resolution	3	2	0	0	5
Recommend remedy	34	36	5	8	83
Grievance denied	28	44	1	9	82
Grand Total	65	83	6	17	171

Note: Totals may not add to 100% due to rounding

CATEGORY OF GRIEVANCES RECEIVED

Figure 4 shows the breakdown, by category, of the grievances received at the Committee in the last three years (financial, general, harassment/discrimination and release). In 2014, discretionary referrals were classified under the general category.

FIGURE 4



Financial
General
Release
Harassment - Discrimination

CDS DECISIONS RECEIVED IN 2014

The Committee received CDS decisions in response to 116 grievances. As shown in Figure 5, the CDS agreed or partially agreed with the Committee's F&R in 72% of these cases.

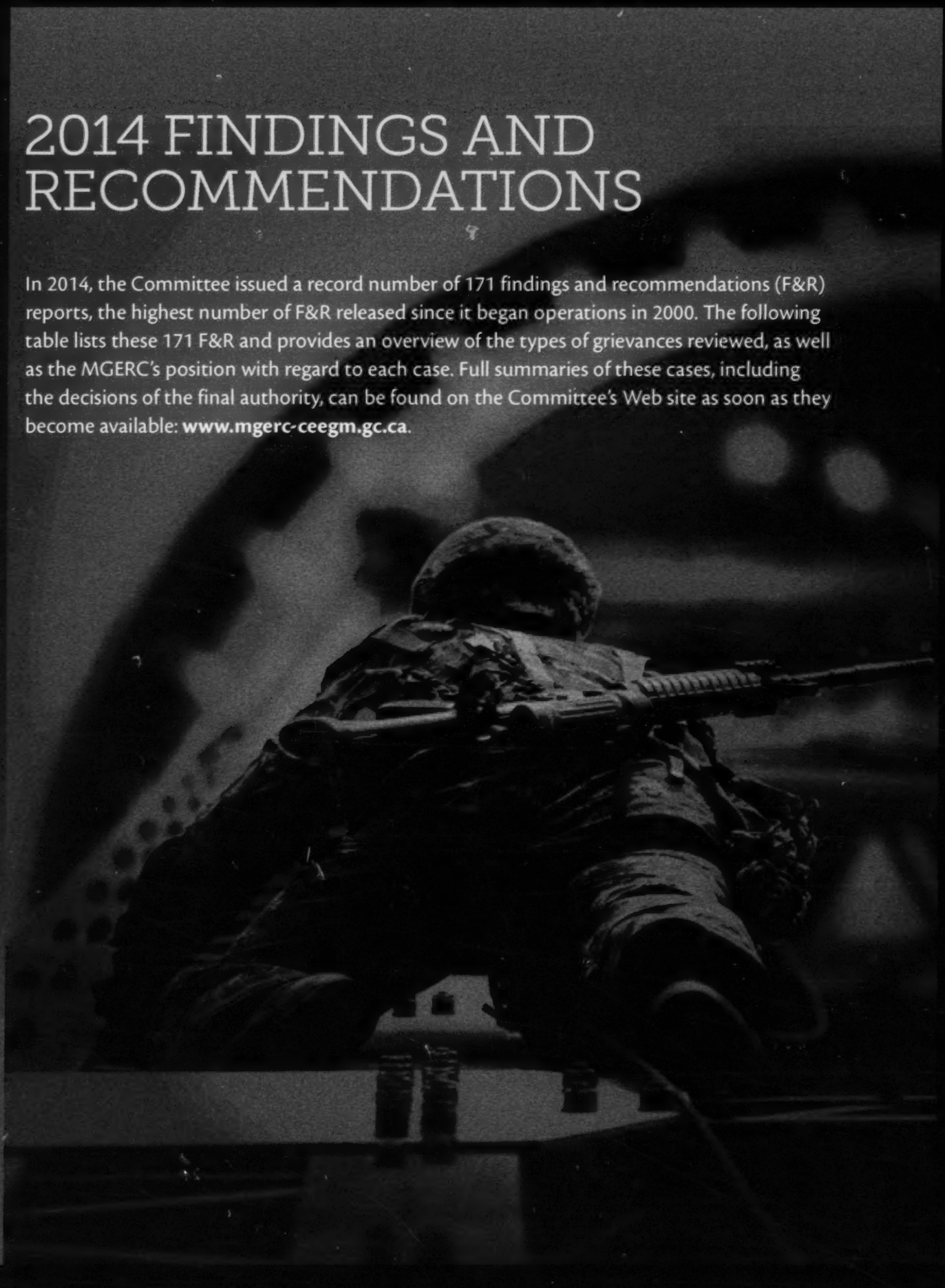
FIGURE 5

CDS agrees
CDS disagrees
CDS partially agrees

Note: Totals may not add to 100% due to rounding.

2014 FINDINGS AND RECOMMENDATIONS

In 2014, the Committee issued a record number of 171 findings and recommendations (F&R) reports, the highest number of F&R released since it began operations in 2000. The following table lists these 171 F&R and provides an overview of the types of grievances reviewed, as well as the MGERC's position with regard to each case. Full summaries of these cases, including the decisions of the final authority, can be found on the Committee's Web site as soon as they become available: **www.mgerc-ceegm.gc.ca**.



MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2013-044	**Drug** **Release - Compulsory** **Release - Medical**	The Committee found that the Director Military Careers Administration had failed to follow the regulation and policy processes in their handling of the first detected drug use by the grievor. In the Committee's view, that failure led to an operational deployment which is explicitly prohibited by the policy. The Committee found that the grievor's release under item 5(f) was not reasonable and that a medical release under item 3(b) would be more appropriate.	**Aggrieved** **Recommend Remedy**
2013-057	**Dental Services**	Based on a civilian dental expert's review of the CAF dental care provided to the grievor, the Committee found that the treatment decisions made by the CAF dental staff were reasonable and appropriate in the circumstances. The Committee found that the grievor had no entitlement for reimbursement of his subsequent civil dental expenses, incurred after his release from the CAF.	**Not Aggrieved** **Recommend Grievance Be Denied**
2013-063	***Bona Fide* Operational Requirement – Language Proficiency** ***Official Languages Act***	The Committee found that the CAF had infringed the rights of the grievor to receive her instruction in the Official Language (OL) of her choice. At the time, the bilingual format of the occupational course enforced a high proportion of instruction in the second language. Moreover, when she enrolled in the Public Affairs Officer military occupation, the grievor, an Allophone, was having obvious difficulties in her declared first OL. The CAF should have offered her refresher language training in her first OL, an option her peers in a similar situation were able to benefit from. The Committee recommended that the grievor be allowed to retake her occupational course following refresher language training. The Committee also formulated a systemic recommendation regarding a *bona fide* occupational requirement for the Public Affairs Officer military occupation so as to enforce a higher level of language proficiency at entry into the occupation.	**Aggrieved** **Recommend Remedy**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2013-067	***Official Languages Act*** **Release - Compulsory**	The Committee concluded that the CAF had failed in their obligation to give the grievor individual occupational training in the official language of his choice (French) as per Defence Administrative Orders and Directives (DAOD) 5039-6 regarding individual training and education, thus contributing to his failing grade in his occupational training. The Committee also determined that the Base Personnel Selection Officer had failed in his obligation to conduct a detailed review of the grievor's case, instead of simply accepting the commander's recommendation for the grievor's release. Finally, the Committee concluded that the administrative review process should be conducted again in order to determine whether the grievor can serve in another occupation where the instruction would be given in French, or whether his release should stand.	**Aggrieved** **Recommend Remedy**
2013-069	**Allowances and Benefits** **Honours and Awards** ***Military Foreign Service Instructions***	The Committee found that the decision to deploy the grievor with the United Nations Command Military Armistice Commission (UNCMAC) in South Korea through the OUT-OF-CANADA program rather than through a CAF operation was unreasonable and not in accordance with policy and past practices. The Committee also found that the grievor's service with the UNCMAC was duly and properly recognized through the Canadian Peacekeeping Service Medal and did not merit a distinctive award.	**Aggrieved** **Recommend Remedy**
2013-072	**Administrative Review**	The Committee found breaches of procedural fairness during the grievor's administrative review process, concluding that the original release decision should be cancelled. The Committee reviewed the grievor's situation anew and concluded that the grievor's shortcomings and performance deficiencies were such that he should be released from the CAF, the date the CDS renders his decision.	**Aggrieved** **Recommend Remedy**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2013-073	**Allowances and Benefits** **Imposed Restriction** **Separation Expense**	The Committee found that the grievor had not accrued a right to separation expense (SE) for the duration of his posting at the outset of his posting and that the amendments to the SE applied to the grievor as they came into effect on 1 February 2013. However, the Committee found that it would have been more reasonable to cease the entitlements to the incidental expense allowance and the meal rate during the 2013 active posting season rather than on 1 February 2013. Finally, the Committee found that ceasing the two benefits in the middle of the grievor's posting did not provide him with an adequate opportunity to mitigate his financial losses.	**Not Aggrieved** **Recommend Grievance Be Denied**
2013-075	**Attach Posting Benefits**	The Committee found that changes to the *Canadian Forces Temporary Duty and Travel Instructions* unfairly excluded the grievor and limited attached posting benefits to only those reservists serving on an incremental tasking identified in the Canadian Forces Task Plans and Operations database. The Committee also found that it was unfair to cease the grievor's duty travel benefits midway through her attached posting and period of employment after she accepted the employment offer based on the promise that she would receive free rations and quarters.	**Aggrieved** **Recommend Remedy**
2013-081	**Allowances and Benefits** ***Military Foreign Service Instructions***	The Committee determined that the grievor was entitled to the meal allowance for the duration of his foreign posting but was not entitled to reimbursement of Property Management Fees as his situation did not meet the applicable criteria.	**Aggrieved** **Recommend Remedy**
2013-084	**Obligatory Service** **Subsidized Education Repayment**	The Committee found that the grievor took her voluntary release prior to completing the required military training and, therefore, was obliged to repay the costs of her subsidized education. The Committee also found that the grievor was not obligated to repay the salary she received while attending the educational institution because she was performing her normal military service while she was there.	**Aggrieved** **Recommend Remedy**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2013-087	**Compassionate Posting** **Integrated Relocation Program** **Relocation**	The Committee found that the grievor did not receive a proper and complete post-deployment screening on his return from Afghanistan, and that his subsequent postings over the next three years were mishandled. The Committee also found that the grievor should have been permitted to remain in Ottawa, and that his Career Manager and his Branch failed to recognize the severity of his financial situation and his deteriorated health circumstances.	**Aggrieved** **Recommend Remedy**
2013-089	**Component Transfer Pay**	The Committee found no reason to disagree with or change its previous finding and recommendation (File No 2012-112) that 27 March 1996 should be the effective retroactive date for the 2001 Chief of Military Personnel Interim Policy on pay protection for the component transfer of officers to the Regular Force. Given that the grievor had completed his component transfer in 1991, well before the recommended date of 27 March 1996, the Committee found that the grievor was not entitled to pay protection.	**Not Aggrieved** **Recommend Grievance Be Denied**
2013-091 **2013-092** **2013-093** **2013-094** **2013-095** **2013-096**	**Administrative Review** **Remedial Measures**	Jointly reviewing six grievances submitted by the grievor, the Committee found that the direct and causal effect acknowledged by the CAF medical authorities between the grievor's medical condition and his unacceptable behaviour justified the change in focus of the administrative review process from misconduct to medical employment limitations. Given that the permanent medical employment limitations assigned to the grievor were in violation of the Universality of Service principle, the Committee found that a medical release under item 3(b) was justified. Also, given the established direct causal link, the Committee recommended that the grievor's personnel records be purged of the remedial measures and administrative actions related to misconduct. Concerning the grievor's allegations of inaction and reprisals by his chain of command, the Committee found those allegations unsubstantiated. Finally, the Committee found that the grievor's alleged use of inappropriate language by his Commanding Officer met, at face value, the definition of harassment.	**Aggrieved** **Recommend Remedy**
2013-099	**Release - Medical** **Transition Assistance Program**	The Committee found that the grievor received an appropriate level of transitional support during his medical release.	**Not Aggrieved** **Recommend Grievance Be Denied**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2013-101	**Release - Compulsory**	The Committee found that the grievor had had considerable difficulty with leadership and basic officer and soldier skills the entire time that he was taking the Basic Military Officer Qualification – Land course. The Committee concluded that the grievor lacked the necessary abilities to become an officer or a non-commissioned member of the CAF and that the decision to release him under Item 5(d) – Service Completed was justified.	**Not Aggrieved** **Recommend Grievance Be Denied**
2013-102	**Personnel Evaluation Report**	After proceeding to an oral hearing for this case, the Committee found that the evidence submitted substantiated ratings of *Above Average* for the potential factors *Communication Skills* and *Organization and Administration*.	**Not Aggrieved** **Recommend Grievance Be Denied**
2013-104	**Personnel Evaluation Report**	The Committee found that the grievor's Personnel Evaluation Report reflected his performance and potential for the reporting period and that his scores were consistent with the Personnel Evaluation Report narratives and the Canadian Forces Personnel Appraisal System.	**Not Aggrieved** **Recommend Grievance Be Denied**
2013-105 **2013-117**	**Leave Entitlement** **Release**	The Committee found that the grievor's Leave Without Pay requests would most likely have been denied by the Director General – Military Careers given the circumstances. The Committee also found that the grievor's release request had been properly administered.	**Not Aggrieved** **Recommend Grievance Be Denied**
2013-106	**Component Transfer** **Promotion** **Reserve Force**	The Committee found that because the grievor was considered occupationally qualified in the Reserve Force, he should have been commissioned and promoted simultaneously to Lieutenant upon his component transfer. The Committee also found that the grievor should have been promoted to Captain three years after his transfer, based on his corrected Enter Promotion Zone date and the recommendation of his Commanding Officer.	**Aggrieved** **Recommend Remedy**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2013-107	**Duty Status** **Reserve Force**	The Committee found that the unit failed to make all reasonable efforts to have the grievor return to effective status once they declared her Non-Effective Strength, and that when she did return, the unit wrongly refused to pay her for parading because she had not yet submitted a written request to parade. The Committee also found that during one of the Non-Effective Strength periods the grievor attended several medical appointments which were considered duty and incompatible with Non-Effective Strength status. As a result, the Committee found that the grievor's Non-Effective Strength status for each period should be reduced so as to end on the day the grievor attempted to parade and was rejected by the unit.	**Aggrieved** **Recommend Remedy**
2013-108 **2013-109**	**Administrative Review Process** **Release - Compulsory** **Sexual Misconduct**	The Committee found that the grievor could not challenge the results of his Court Martial decision through the grievance process, and that the subsequent administrative review (AR) made appropriate use of his guilty plea at the Court Martial. The Committee also found that the AR had been conducted fairly and that there was no breach of procedural fairness. Finally, the Committee found that the grievor had gravely breached the Statement of Defence Ethics by failing to respect the victim's dignity, by failing to be truthful in his actions, and by failing to hold himself accountable for the serious consequences of his misconduct. Without such an acknowledgement, the Committee was of the opinion that the grievor would not benefit from a period of counselling and probation and found that his compulsory release under item 5(f) was appropriate.	**Not Aggrieved** **Recommend Grievance Be Denied**
2013-110	**Medical Employment Limitation** **Release - Medical**	The Committee found that the Director Medical Policy, as the medical subject matter expert for the CAF, conducted a thorough review of the grievor's medical file before assigning his medical employment limitations (MELs) and considered him to be in the severe disease category. The Committee found the assigned MELs to be reasonable and valid. The Committee also found that two of the assigned MELs were non-compliant with the Universality of Service principle and that the grievor's medical release was warranted.	**Not Aggrieved** **Recommend Grievance Be Denied**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2013-111	**Class B Reserve Service**	The grievor alleged that she had been treated unfairly during the selection process for three Reserve employment opportunities. The Committee reviewed the documents associated with these three employment opportunities and concluded that there was no evidence that the grievor had suffered an injustice.	**Not Aggrieved** **Recommend Grievance Be Denied**
2013-113	**Pension Benefits**	The Committee concluded that the grievor had been misled by the Base Release Section, who gave him an incomplete *Release Digest* and erroneous advice concerning the requirements governing his eligibility for the *transfer value*. The Committee was of the opinion that the Minister of National Defence should exercise the authority conferred on him by Section 92 of the *Canadian Forces Superannuation Act* in order to enable the grievor to receive payment of his *transfer value* as a pension benefit.	**Aggrieved** **Recommend Remedy**
2013-115	**Breach of Contract/ Promise**	The Committee found that the grievor, despite a written agreement to that effect, was not entitled to the recruiting allowance given that his occupation was not mentioned in the *Compensation and Benefits Instructions* or the Canadian Forces General Order (CANFORGEN) in effect when he enrolled. Nevertheless, the Committee was of the opinion that in situations where the CAF made promises during an enrollment process that subsequently could not be honoured, the role of the grievance process was to examine the positions of the parties and, where necessary, recognize that the mistake was made and forward the file to the Director Claims and Civil Litigation for review.	**Aggrieved** **Recommend Outside Resolution**
2013-118	**Abuse of Authority** **Harassment**	The Committee found that the grievor's allegations that he suffered reprisal for submitting complaints, as well as his allegations of racism, were unfounded.	**Not Aggrieved** **Recommend Grievance Be Denied**
2013-119	**Career Progression** **Promotion** **Selection Board**	The Committee found that the results of the Supplemental Selection Board conducted for the grievor could not be relied upon due to the existence of a reasonable apprehension of bias. The Committee re-calculated the grievor's promotion score, applying the same used criteria, and found that it exceeded the score of one of the promoted candidates. The Committee therefore concluded that the grievor should be promoted.	**Aggrieved** **Recommend Remedy**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2013-120	**Progress Review Board** **Recorded Warning** **Remedial Measures**	The Committee concluded that the two recorded warnings issued to the grievor were unjustified. As to the first, resolving a dispute to the satisfaction of the parties through alternate conflict resolution should not have resulted in a remedial measure against the grievor. As to the second, there had been serious breaches in procedural fairness, leading to a treatment of the grievor that differed from the one given to his partner, suspected of the same offense.	**Aggrieved** **Recommend Remedy**
2013-121	**Selection Board Candidates List Process** **Selection Board**	The Committee found that the grievor's file was competitive and should have been included in the Selection Board Candidates List (SBCL). The Committee also found that the provision to automatically reduce the score of Personnel Evaluation Reports in the previous rank by half in establishing the SBCL was unreasonable and unfair.	**Aggrieved** **Recommend Remedy**
2014-001 **2014-002**	**Accommodation** **Harassment**	The Committee found that the grievor was improperly denied kosher food during his training at a CAF base and that the harassment allegations he subsequently submitted were not handled correctly.	**Aggrieved** **Recommend Remedy**
2014-003	**Remedial Measures** **Sexual Misconduct**	The Committee found that the grievor's actions did not constitute sexual misconduct as defined in Defence Administrative Orders and Directives (DAOD) 5019-5 and that the grievor's Commanding Officer lacked the authority to issue a recorded warning for voyeurism. However, the Committee determined that the display of sexually explicit material contravened DAOD 5012-0, Harassment Prevention and Resolution, as well as the Statement of Defence Ethics. Consequently, the Committee found that issuing an initial counselling to the grievor would be appropriate.	**Aggrieved** **Recommend Remedy**
2014-004	**Harassment**	The Committee found that five of the allegations contained in the harassment complaint met the definition of harassment and that a new investigation was therefore required.	**Aggrieved** **Recommend Remedy**
2014-005	**University Training Plan** **Non-Commissioned Members**	The Committee found that the decision to prefer the Military Pharmacy Training Plan as the subsidized education program to meet the limited production requirements (one position) of the Pharmacy Officer occupation was reasonable and did not result in an injustice to the grievor who had sought entry through the University Training Plan for Non-Commissioned Members.	**Not Aggrieved** **Recommend Grievance Be Denied**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2014-006	**Release** **Training Failure**	The Committee concluded that the grievor's language rights have not been respected during his professional training. The Committee also concluded that the decision to release the grievor had been premature and should be reviewed.	**Aggrieved** **Recommend Remedy**
2014-007	**Incentive Pay Category** **Pilot's Backdated Promotion to Captain**	The Committee found that the Director General Military Careers did not have the authority to end in 2009 the backdated promotion to Captain practice applied to pilots since 1999 and sanctioned by a previous CDS, as final authority. The Committee also found that the current CDS can change the practice, but cannot do so retroactively in a manner that would interfere with his predecessor's decisions as final authority.	**Aggrieved** **Recommend Remedy**
2014-008	**Integrated Relocation Program** **Relocation Expenses**	The Committee found that the grievor should be reimbursed for the additional car rental costs he incurred while waiting for his personal motor vehicle to undergo required modifications for operation in the United Kingdom upon posting.	**Aggrieved** **Recommend Remedy**
2014-009	**Promotion** **Registered Nurse Enrollment Plan**	The Committee found that, although the grievor's occupation transfer did not fit into any of the entry plans, his promotions to Lieutenant and Captain were administered in accordance with the policies applicable to the plan closest to the grievor's situation, the Regular Officer Training Plan.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-010	***Official Languages Act*** **Second Official Language Competency**	The Committee found that the grievor did not have a right to work solely in French units. The Committee however found that the decision to post the grievor, a unilingual francophone, into a bilingual position for which he did not have the linguistic profile was unreasonable and did not respect the applicable policies.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-011	**Canadian Forces Severance Pay**	The Committee found that the grievor did not suffer an injustice stemming from the provisions of the new CAF Severance Pay policy.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-012	**Acting While So Employed** **Promotion** **Specialist Pay**	Based on the legal test to the doctrine of *res judicata* (a matter already judged), the Committee found that the grievance simply reframed a previous one submitted by the grievor on the same issues that had already been adjudicated by the final authority.	**Not Aggrieved** **Recommend Grievance Be Denied**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2014-013	**Counselling and Probation** **Remedial Measures**	The Committee found that the decision to return the grievor to his unit from an instructor tasking was justified and appropriate, but the resulting counselling and probation was not warranted in the circumstances.	**Aggrieved** **Recommend Remedy**
2014-014	**Component Transfer** **Occupational Transfer**	The Committee found that the grievor's rank on transfer from the Reserve Force to the Regular Force was appropriate, as well as her date to enter the promotion zone, and therefore, the recovery of an overpayment in pay at a higher rank was justified.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-015	**Medical Treatment** **Release - Medical**	The Committee found that the grievor received the sick leave approved during her retirement leave and that her release date was amended accordingly. The Committee also found that the grievor's case was managed in accordance with the Career Transition Support Policy for the Severely Injured or Ill CAF members and that the results of her Complex Transition Assessment showed that she did not have complex transition needs.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-016	**Vocational Rehabilitation Program**	The Committee found that the Commanding Officer's decision to deny the grievor's Vocational Rehabilitation Program plan was reasonable, since his request for an earlier release date rendered his plan unfeasible.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-017	**Recorded Warning** **Remedial Measures**	The Committee found that the recorded warning assigned to the grievor was inaccurate and unwarranted, and that it was inappropriate to initiate a career administrative review and, at the same time, issue a remedial measure.	**Aggrieved** **Recommend Remedy**
2014-018	**Initial Counselling** **Remedial Measures**	The Committee found no evidence that the grievor used inappropriate language. However, it concluded that the grievor's conduct had breached the Code of Values and Ethics and that the remedial measure assigned was warranted even if, as per Defence Administrative Orders and Directives 5019-4, briefing sessions had not been held.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-019	**Duty Status** **Family Care Assistance** **Summary Investigation**	The Committee found that the grievor had submitted her grievance to the Final Authority level outside the 90-day time-limit and had not provided reasons nor showed interest in proceeding with her grievance within the time-limit. The Committee also found that there were no exceptional circumstances that would warrant or justify the acceptance of the grievance in the interests of justice.	**Not Aggrieved** **Recommend Grievance Be Denied**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2014-020	**Risk Allowance** **Hardship Allowance**	The Committee found that the levels of the Hardship Allowance (HA) and Risk Allowance (RA) are determined based on the assessment of the living conditions and risks associated with a specific post. The Committee found that the grievor received the HA and RA to which he was entitled and that none of these two allowances could be increased when flying combat missions over enemy airspace.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-021	**Imposed Restriction** **Separation Expense**	The Committee found that the grievor was not entitled to separation expense as he was not posted to a new place of duty, a condition required by *Compensation and Benefits Instructions* 209.997(2)(a) and 208.997(3)(c).	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-023	**Compassionate Travel Assistance**	The Committee found that the grievor was not entitled to the reimbursement of travel expenses under the Compassionate Travel Assistance when on Class B Reserve Service.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-024	**Pay**	The Committee found that the CAF pay system reported the grievor's income in accordance with established policy. The Committee also found that the CAF practice of providing advances of the Parental Allowance against a CAF member's pay account was not provided for in policy and proved to be a disincentive for timely administration of the grievor's allowance.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-025 **2014-042** **2014-070** **2014-083**	**Incentive Pay Category** **Pilot's Backdated Promotion to Captain**	The Committee found that the CAF had incorrectly determined the grievors' Pay Increment anniversary date at the rank of Captain in the Pilot occupation, in light of the policy applicable at the time they attained Wings Standard.	**Aggrieved** **Recommend Remedy**
2014-026	**Imposed Restriction** **Separation Expense**	The Committee found that the grievor was not entitled to separation expense (SE) as his situation did not meet the requirement set out in the *Compensation and Benefits Instructions* 209.997(2)(b). Although the grievor was posted to a new place of duty, he was single at the time of his posting. The Committee also found that the grievor's marriage, after his posting, did not entitle him to SE as he and his spouse were already serving at different places of duty.	**Not Aggrieved** **Recommend Grievance Be Denied**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2014-027	**Medical Treatment**	The Committee found that the use of an American supplier to have the grievor's prosthesis repaired could not be justified at this time as it had not been demonstrated that Canadian providers were unable to satisfy the grievor's needs. Only then could the Canadian Forces Health Services Group Case Management Team and the Prosthetics Review Committee consider the option of allowing the grievor to use a non-Canadian supplier.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-028	**Recruitment Allowance**	The Committee concluded that the grievor's occupation, as of the date his re-enrollment was confirmed, did not appear on the list of understrength occupations eligible for a recruitment allowance and that under *Compensation and Benefits Instructions* 205.533, in effect at that time, he was not eligible.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-029	**Canadian Forces Severance Pay**	The Committee determined that the grievor was not responsible for the four-year delay to complete his qualification program and get promoted and that this unreasonable delay was the direct cause of his unfair financial hardship.	**Aggrieved** **Recommend Remedy**
2014-030	**Integrated Relocation Program** **Mortgage Breaking Penalties**	The Committee found that, although the amendments brought to the Canadian Forces Integrated Relocation Program effective 1 September 2012 did not allow the reimbursement for mortgage early repayment penalties, it would be reasonable to include transitional provisions and longer lead times during policy amendments that can negatively impact CAF members.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-031	**Class A Reserve Service** **Pension Benefits**	The Committee found that the grievor relied on erroneous expert release advice to her financial detriment which caused her to lose $4,500.00 in pension benefits while enrolled in the Supplementary Reserve.	**Aggrieved** **Recommend Remedy**
2014-032	**Drug** **Release**	The Committee determined that the release of the grievor, under item 5(f), was justified and in accordance with existing policies.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-033	**Cancellation of a Deployment** **Procedural Fairness**	The Committee found that the chain of command's decision to cancel the grievor's deployment was reasonable in the circumstances.	**Not Aggrieved** **Recommend Grievance Be Denied**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2014-034	**Breach of Contract/ Promise** **Enrollment Offer** **Entry into the Promotion Zone**	The Committee found that the CAF erroneously promised, in an enrollment offer, that the grievor would enter the promotion zone to Captain two years after promotion to Lieutenant. Having assessed the grievor's previous experience, the Committee found that the CDS should exercise his discretion and that one of the three years' Time in Rank required be waived or that the grievor be granted one year of seniority in the rank of Lieutenant upon her enrollment.	**Aggrieved** **Recommend Remedy**
2014-035	**Breach of Contract/ Promise** **Enrollment Offers**	The Committee found that the CAF made an erroneous re-enrollment offer to the grievor but that no remedy could be afforded within the CAF grievance system. The Committee found that the grievor's file had to be referred to the Director Claims and Civil Litigation for an assessment of his entitlement to financial compensation.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-036	**Depart with Dignity** **Joint Personnel Support Unit** **Vocational Rehabilitation Program**	The Committee concluded that the grievor's posting to the Joint Personnel Support Unit, his Depart with Dignity and his Vocational Rehabilitation Program were mishandled by his unit. The Committee was satisfied that the chain of command took appropriate action to avoid that a situation like that of the grievor reoccurs.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-037	**Reserve Employment Opportunity**	The Committee found that the grievor was not unfairly treated by being excluded from competing for a Reserve Employment Opportunity. The Committee found that his situation did not meet the spirit of the guiding principle of the Vice Chief of the Defence Staff's Management Framework – *Canadian Forces Superannuation Act* Part 1 Annuitants – Full Time Reserve Service.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-038	**Removal from Military Duties**	The Committee found that the measures taken against the grievor by his chain of command did not respect the principles of procedural fairness.	**Aggrieved** **Recommend Remedy**
2014-039	**Canadian Forces Severance Pay** **Release - Compulsory**	The Committee found that, although he was released under item 5(f), the grievor did not meet the severance pay exclusion criteria found in *Compensation and Benefits Instructions* 204.40 (7)(a), because his release was approved by the Governor General after his eligible service ceased. The Committee therefore found that the grievor was entitled to receive the severance pay benefit for his eligible service.	**Aggrieved** **Recommend Remedy**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2014-040	**Harassment**	The Committee found that the administrative deficiencies in the handling of the grievor's harassment complaint were not evidence of a systemic problem. The Committee found that under Defence Administrative Orders and Directives 2017-1, the grievor was not entitled neither to the reimbursement of his legal costs nor to an *ex gratia* payment.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-041	**Compassionate Travel Assistance**	The Committee determined that the restrictive interpretation of article 209.51 of the *Compensation and Benefit Instructions* was unsupported and unwarranted, and that the grievor was entitled to Compassionate Travel Assistance.	**Aggrieved** **Recommend Remedy**
2014-043	**Integrated Relocation Program** **Relocation Expenses**	The Committee found that the grievor was entitled to be reimbursed from his core benefit envelope admissible expenses incurred during his short distance house hunting trip to attend his home inspection. The Committee also found that it would be reasonable in the circumstances to make use of the discretionary authority found in either article 2.1.01 of the Canadian Forces Integrated Relocation Program or in article 209.013(2) of *Compensation and Benefits Instructions* to reimburse the grievor's interest charges on his mortgage from his custom benefit envelope.	**Aggrieved** **Recommend Remedy**
2014-044	**Integrated Relocation Program** **Mortgage Loan Insurance Premium**	The Committee found that the equity put into the grievor's replacement home at destination exceeded the equity obtained from the sale of his home of origin, thereby meeting the requirements found in article 8.3.10 of the Canadian Forces Integrated Relocation Program. Therefore, the grievor was entitled to the reimbursement of his Mortgage Loan Insurance premium from his core envelope.	**Aggrieved** **Recommend Remedy**
2014-045	**Harassment** **Personnel Evaluation Report**	The Committee concluded that the policy did not require the preparation of a Personnel Evaluation Report for the grievor but recommended, given the unique circumstances of the case, that a formal evaluation of his performance be produced. The Committee also concluded that the decision of the Responsible Officer, to the effect that the grievor's allegations failed to meet the definition of harassment, was reasonable and justified.	**Aggrieved** **Recommend Remedy**
2014-046	**Promotion Criteria**	The Committee found that while the decision to deny the grievor's promotion was in accordance with the relevant policies, given the circumstances, the CDS should exercise his discretion to waive the criterion that was not met and promote the grievor.	**Aggrieved** **Recommend Remedy**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2014-047	**Promotion Criteria**	The Committee found that the grievor was appropriately promoted to the rank of Lieutenant on the date he met all promotion criteria. The Committee found that the grievor's circumstances were not exceptional and that the use of the CDS discretionary authority to waive promotion criteria was not warranted.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-048	**Joint Personnel Support Unit**	The Committee found that insufficient emphasis was given to the actual needs of the grievor particularly when considering his imminent release and that the grievor should have been granted his request to be posted to another Joint Personnel Support Unit as there were compelling reasons to support his move at public expense.	**Aggrieved** **Recommend No Remedy**
2014-049	**Class B Reserve Service** **Reserve Employment Process**	The Committee found that the grievor had not been treated fairly and in accordance with the selection process policies for Class B Reserve Service employment opportunities.	**Aggrieved** **Recommend Remedy**
2014-050	**Harassment**	The Committee found that four out of five harassment complaints submitted by the grievor met, at face value, the definition of harassment and, as a consequence, the conduct of an investigation was warranted according to policy.	**Aggrieved** **Recommend Remedy**
2014-051	**Harassment** **Personnel Evaluation Report** **Remedial Measures**	The Committee found that the harassment complaint submitted by the grievor was administered in accordance with policy, but that her Personnel Evaluation Report for 2012/2013 reporting period should be amended to increase some assessment factors because the report was not an accurate representation of her performance and potential. The Committee also found that although the initial counselling received by the grievor was justified, the manner in which it was issued was inappropriate.	**Aggrieved** **Recommend Remedy**
2014-052	**Initial Counselling** **Remedial Measures**	The Committee determined that the initial counselling received by the grievor was not warranted and was not administered in accordance with the applicable policies.	**Aggrieved** **Recommend Remedy**
2014-053	***Canadian Forces Superannuation Act*** **Reserve Force**	The Committee found that there was no vested right to the practice of allowing former members of the Regular Force to be in receipt of a pension while on continuous full-time service in the Reserve Force.	**Not Aggrieved** **Recommend Grievance Be Denied**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2014-054	**Mishandling of a File by the Chain of Command**	The Committee found that the grievor's chain of command acted reasonably and appropriately in handling her request to live off the Royal Military College of Canada's campus grounds.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-055	**Class C Reserve Service** **Initial Counselling**	The Committee found that the initial counselling was not warranted and was not administered in accordance with policy, therefore it should be removed from the grievor's personnel file. The Committee also found that the removal from training and the termination of the grievor's Class C Reserve Service was unreasonable.	**Aggrieved** **Recommend Remedy**
2014-056	**Pre-Deployment Screening**	The Committee found that the decision to remove the grievor from her deployment was justified in the circumstances, but that her personal medical information was accessed inappropriately.	**Aggrieved** **Recommend Remedy**
2014-058	**Leave Entitlement** **Medical Treatment** **Sick Leave**	The Committee found that the grievor had been improperly denied sick leave while on retirement leave, as his illness justified that he be retroactively granted this leave, according to the Director of Medical Policy's recommendation.	**Aggrieved** **Recommend Remedy**
2014-059	**Compassionate Travel Assistance**	The Committee found that the grievor was not entitled to Compassionate Travel Assistance as he had not been moved at public expense for the purposes of his period of Class B Reserve Service, a condition required by *Compensation and Benefits Instructions* article 209.51(3).	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-060	**Pension Entitlements** **Release - Medical**	The Committee found that the decision to medically release the grievor was not discriminatory and that he could not reasonably be retained in the CAF in order to reach ten years of service.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-061	**Meal Expenses** **Recovery of Overpayment**	The Committee found that the grievor should have received a daily meal allowance equivalent to 75% of the daily meal rate while he was serving in Operation AUGURAL. The Committee therefore found that the grievor should not have been subject to recovery action regarding his meal allowance claim.	**Aggrieved** **Recommend Remedy**
2014-062	**Pay** **Re-Enrollment**	The Committee found the grievor was paid at the appropriate pay level upon his re-enrollment into the CAF as a Direct Entry Officer and during his time served in the ranks of Second-Lieutenant and Lieutenant.	**Not Aggrieved** **Recommend Grievance Be Denied**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2014-063	**Component Transfer** **Pay** **Recovery of Overpayment**	The Committee found that the grievor was correctly awarded the rank and pay increment of Private level 3 upon her component transfer to the Regular Force and that the recovery of an overpayment was justified.	**Aggrieved** **Recommend Remedy**
2014-065	**Counselling and Probation** **Release - Conduct/ Performance**	The Committee found that the grievor had breached his counselling and probation for alcohol misconduct and that the breach was sufficient to justify his compulsory release under item 5(f) – Unsuitable for further service, to the table to article 15.01 of the *Queen's Regulations and Orders for the Canadian Forces*.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-066 **2014-067** **2014-068**	**Class B Reserve Service** **Reserve Force Retirement Gratuity**	The Committee found that the grievor had been aggrieved in that she was part of the only segment of the CAF that lost their accrued Severance Pay, the Reserve Force Retirement Gratuity, when *Compensation and Benefits Instructions* 204.40 came into effect.	**Aggrieved** **Recommend Remedy**
2014-069	**Separation Expense**	The Committee determined that the decision to deny separation expense benefits to the grievor for the period in question was in accordance with applicable policies and regulations.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-071	**Integrated Relocation Program** **Interim Lodging, Meals and Incidentals**	The Committee found that the grievor was not entitled to additional Interim Lodgings, Meals and Miscellaneous benefits from the core envelope because the delayed delivery of his Household Goods and Effects resulted from a personal choice made by the grievor related to his occupancy availability date. The Committee found that the grievor should be reimbursed from his core funding envelope for the travel costs associated with the registration of his Personal Motor Vehicle.	**Aggrieved** **Recommend Remedy**
2014-072	**Medical Employment Limitation** **Reversion in Rank**	The Committee concluded that it was premature to conduct an administrative review prior to the grievor being assigned permanent medical employment limitations (MELs). Accordingly, the Committee found that the reversion decision should be changed and take effect six months following the issuance of permanent MELs.	**Aggrieved** **Recommend Remedy**
2014-073	**Terms of Service**	The Committee found that the grievor's Indeterminate Period of Service offer had been administered in accordance with the applicable policies and that, once signed, it could not be canceled.	**Not Aggrieved** **Recommend Grievance Be Denied**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2014-074	**Progress Review Board**	The Committee found that although the grievor had not been assessed using the valid policy, the decision to convene a Progress Review Board and to cease his training was reasonable and justified.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-076	**Harassment** **Remedial Measures**	The Committee determined that the findings of the Responsible Officer for the harassment complaint were based on insufficient evidence and that the corrective measure imposed on the grievor was therefore not justified in the circumstances.	**Aggrieved** **Recommend Remedy**
2014-078	**Cease-Training** **Progress Review Board**	The Committee found that the decision to cease the grievor's training while on Phase 1 of Primary Flying Training was warranted.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-079	**Separation Expense**	The Committee determined that the grievor was not entitled to separation expense but that the recovery of these funds was unreasonable as the grievor had exercised due diligence by consulting the appropriate personnel prior to pursuing the matter.	**Aggrieved** **Recommend Remedy**
2014-080	**Harassment** **Remedial Measures**	The Committee found that the grievor was aggrieved by the initial counselling he received and recommended to the CDS that it be removed from the grievor's personnel file. The Committee found that the grievor had absented himself from his position and had returned home without authority thus justifying the issuance of the recorded warning. Accordingly, the Committee found that the grievor should not be reimbursed his expenses for his unauthorized travel.	**Aggrieved** **Recommend Remedy**
2014-081	**Joint Command and Staff Program**	The Committee found that the Joint Command and Staff Program Distance Learning 2 was offered to Majors or Lieutenant-Commanders and that given the grievor's rank change to Lieutenant (Navy) upon her component transfer, the denial of her attendance to this course was justified.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-082	**Medical Condition** **Medical Employment Limitation** **Release - Medical**	The Committee found that it was appropriate for the Base Surgeon not to forward the grievor's medical file to the Director of Medical Policy for further review of her permanent medical category and medical employment limitations, given that her underlying chronic medical conditions had not changed.	**Not Aggrieved** **Recommend Grievance Be Denied**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2014-085	**Component Transfer** **Pay**	The Committee found that the grievor was not entitled to pay protection upon her component transfer to the Regular Force as it preceded the effective date of the Chief of Military Personnel 23 April 2001 Interim Policy.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-086	**Recruitment** **Relocation Benefits**	The Committee found that, since the grievor sold his house outside of the authorized time limits, he was not entitled to be reimbursed for his real estate and legal fees under section 1.1.02 of the Canadian Forces Integrated Relocation Program.	**Aggrieved** **Recommend Remedy**
2014-087	**Medical Employment Limitation** **Release - Medical**	The Committee found that the permanent medical employment limitations assigned to the grievor were justified and that the subsequent CAF decision to release the grievor for medical reasons was reasonable and in accordance with policy.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-088	**Procedural Fairness** **Summary Investigation**	The Committee found that the procedural fairness principles were breached during the conduct of the summary investigation.	**Aggrieved** **Recommend Remedy**
2014-089	**Annual Leave** **Leave Entitlement** **Reserve Force**	The Committee found that although the management of leave was not done in accordance with policy, the grievor was not disadvantaged since the duty schedule afforded him sufficient days off.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-090	**Compassionate Travel Assistance**	The Committed determined that the grievor was entitled to Compassionate Travel Assistance for travel costs associated to his mother's funeral, in accordance with the *Compensation and Benefits Instructions* 209.51.	**Aggrieved** **Recommend Remedy**
2014-091	**Promotion**	The Committee found that the grievor was not eligible for promotion to Lieutenant (Navy) until four years after the date of her reassignment to the Specialist Officer occupation.	**Not Aggrieved** **Recommend Grievance Be Denied**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2014-092	**Release**	The Committee determined that the grievor's voluntary release should have been cancelled after a release medical exam identified a pre-existing chronic medical condition which warranted permanent medical employment limitations in violation of the Universality of Service principle. The appropriate release item should have been 3(b) – Medical and the grievor should have been afforded the transitional benefits to which he was entitled. The Committee determined that the decision to release the grievor under item 4(a) – Voluntary – On Request of the Table to article 15.01 of the *Queen's Regulations and Orders for the Canadian Forces* was not appropriate and not in accordance with the applicable policies.	**Aggrieved** **Recommend Remedy**
2014-093	**Duty Status**	The Committee found that the grievor was not on duty at the time of her motor vehicle accident, and that her injuries were not attributable to military service.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-094	**Accommodation** **Separation Expense**	The Committee found that the grievor was not entitled to receive the non-commercial rate of separation expense and that his situation did not meet the test established by the Supreme Court of Canada for negligent misrepresentation.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-096	**Administrative Review** **Counselling and Probation** **Release - Conduct/ Performance**	The Committee found that given that the grievor's actions were within his control and his conduct seriously impaired his usefulness to the CAF, the decision to release him under item 5(f) of the Table to article 15.01 of the *Queen's Regulations and Orders for the Canadian Forces* was reasonable.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-097	**Administrative Action** **Release - Conduct/ Performance** **Sexual Misconduct**	The Committee found that the administrative review conducted was not policy compliant and that the degree of incompatibility between the grievor's sexual misconduct and his continued service in the CAF was not sufficient to justify a decision to release him under item 2(a) – Unsatisfactory Conduct in the Table to article 15.01 of the *Queen's Regulations and Orders for the Canadian Forces*. The Committee also found that the grievor's medals and decorations should not have been forfeited and that he was entitled to the Canadian Forces Severance Pay.	**Aggrieved** **Recommend Remedy**
2014-098	**Remedial Measures**	The Committee found that the grievor's compulsory occupational transfer opportunities were not affected by the failure of the CAF to properly administer his counselling and probation in accordance with Defence Administrative Order and Directive 5019-4, Remedial Measures.	**Not Aggrieved** **Recommend Grievance Be Denied**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2014-099	**Cease-Training** **Progress Review Board**	The Committee found that the decision of the Commandant of the Canadian Forces School of Aerospace Technology and Engineering to cease the grievor's training and not to allow recourse on the aerospace engineering Officer Basic Course was reasonable given his unsatisfactory progress. The Committee also found that the grievor was entitled to the provision of quarters without charge while on course.	**Aggrieved** **Recommend Remedy**
2014-100	**Pay Protection** **Voluntary Occupational Transfer**	The Committee found that the adjustments to the grievor's rank and pay on Voluntary Occupation Transfer were made in accordance with the applicable policies.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-102 **2014-143** **2014-144** **2014-146** **2014-147**	**Home Leave Travel Assistance** **Post Combat Reintegration Allowance**	The Committee found that the grievors were treated fairly and in accordance with applicable policies related to Special Leave (Mission) and Home Leave Travel Assistance (HLTA) while serving with the Canadian Contribution Training Mission – Afghanistan (CCTM-A) on Operation ATTENTION Rotation 3 in Kabul. Further the Committee determined that changes to relevant policies governing Post Combat Reintegration Allowance and HLTA were not warranted.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-103	**Component Transfer** **Pay Protection** **Reserve Force**	The Committee found that the grievor was not entitled to receive pay protection upon component transfer from the Primary Reserve to the Regular Force.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-104	**Voluntary Occupational Transfer**	The Committee found the grievor had been treated fairly in his attempts to obtain a Voluntary Occupational Transfer.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-105	**Release - Conduct/ Performance** **Sexual Misconduct**	The Committee found that although the Director Military Careers Administration's decision did not correctly applied the test established by the Defence Administrative Orders and Directives 5019-5, Sexual Misconduct, the grievor's actions were incompatible with his continued service in the CAF. The Committee found that the grievor's release was justified.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-106	**Component Transfer** **Pay** **Promotion**	The Committee found that the promotion dates and pay incentives levels for the grievor's promotion to Acting Sub-Lieutenant, Sub-Lieutenant and Lieutenant (Navy) were correct and in accordance with the applicable policies.	**Not Aggrieved** **Recommend Grievance Be Denied**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2014-108	**Post Living Differential** **Recovery of Overpayment**	The Committee found that the grievor was not entitled to the Post Living Differential he had received, but recommended that the CDS acknowledge the CAF responsibility for the error and forward the file to Director Claims Civil Litigations for consideration.	**Aggrieved** **Recommend Remedy**
2014-109	**Imposed Restriction** **Separation Expense**	The Committee found that the grievor should not have been required to maintain two separate residences at his own expense as a result of his prohibited posting to Ottawa from outside of Canada.	**Aggrieved** **Recommend Remedy**
2014-110	**Family Care Assistance**	The Committee found that the grievor was eligible to receive the Family Care Assistance benefit during her Basic Military Qualification training.	**Aggrieved** **Recommend Remedy**
2014-111	**Negligent Misrepresentation** **Rent Ceiling Increase**	The Committee found that the grievor was not entitled to a rent ceiling increase as there was suitable accommodation available within his rent ceiling. The Committee found the decision to recover monies given to the grievor based on an erroneous approval of higher household size 5 by CAF authorities amounted to negligent misrepresentation.	**Aggrieved** **Recommend Remedy**
2014-112	**Compassionate Travel Assistance**	The Committee found that the grievor's request for Compassionate Travel Assistance did not meet the required criteria established by the *Compensation and Benefit Instructions* 209.51.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-117	**Promotion Date - Maternity Leave**	The Committee found the practice of delaying the promotion of CAF members on maternity/paternity leave to be inconsistent with their promotion policy and in violation of the *Canadian Human Rights Act*.	**Aggrieved** **Recommend Remedy**
2014-118	**Meal Expenses** ***Military Foreign Service Instructions*** **Relocation Expenses** **Storage Fees**	The Committee found that the grievor was eligible to the meal allowance while serving in a foreign country. The Committee also found that the grievor should be compensated for the expenses he incurred as a result of his posting and that his file should be sent to the Director Claims and Civil Litigation for a review of the financial loss that resulted from this posting.	**Aggrieved** **Recommend Remedy**
2014-119	**Post Living Differential** **Recovery of Overpayment/Debt Write-Off**	The Committee found that the grievor was not entitled to Post Living Differential but recommended that the CDS acknowledge the CAF responsibility for the error and forward the file to Director Claims and Civil Litigation for consideration.	**Aggrieved** **Recommend Outside Resolution**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2014-124	**CF EXPRES Test** **Initial Counselling**	The Committee found that the grievor should have been exempt from taking the CF EXPRES test due to his medical employment limitations and because he had already successfully completed the Land Force Command Physical Fitness Standard. Therefore, no initial counselling should have been issued for failing the CF EXPRES test.	**Aggrieved** **Recommend Remedy**
2014-125	**Initial Counselling** **Remedial Measures**	The Committee found the grievor's initial counselling was not administered in accordance with Defence Administrative Order and Directive 5019-4, Remedial Measures, and recommended it be quashed.	**Aggrieved** **Recommend Remedy**
2014-127	**Canadian Forces Performance Appraisal System** **Discrimination** **Remedial Measures**	The Committee has determined that it was not a discriminatory practice for the CAF to require the grievor to perform push-ups supported on her toes during the CF Express test. However, the Committee determined that some administrative measures that were imposed on the grievor following repeated failures did not comply with the applicable policy and should be cancelled.	**Aggrieved** **Recommend Remedy**
2014-128	**Selection Board**	The Committee found that the scores assigned to the grievor by the Selection Board were not unreasonable and that he was rated in accordance with the Canadian Forces Selection Board Guidance Manual.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-130	**Recovery of Overpayment/Debt Write-Off**	The Committee found that the grievor had been aggrieved by the decision to recover overpayments caused by a CAF error and recommended that redress be sought outside of the CAF grievance process.	**Aggrieved** **Recommend Outside Resolution**
2014-131	**Interest Payment**	The Committee found that the grievor was not entitled to receive interest on an amount of pay that he received retroactively.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-133	**Course Report** **Training Failure**	The Committee found that the narrative in the course report in question was an accurate description of the grievor's performance on the course.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-134	**Canadian Forces Severance Pay**	The Committee found that the grievor was not entitled to the Payment in Lieu of the Canadian Forces Severance Pay.	**Not Aggrieved** **Recommend Grievance Be Denied**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2014-137	**Release - Medical**	The Committee found that the grievor's requirement for long term medication for chronic and recurring mental health issues justified the assignment of permanent medical employment limitations and subsequent release. The Committee also found that the grievor's release was administered in accordance with applicable policies.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-139	**Meal Expenses** **Recovery of Overpayment**	The Committee found that the grievor should have received a daily meal allowance equivalent to 75% of the daily meal rate while he was serving in Operation AUGURAL. The Committee therefore found that the grievor should not have been subject to recovery action regarding his meal allowance claim.	**Aggrieved** **Recommend Remedy**
2014-141	**Appropriate Remedy** **Progress Review Board** **Training Failure**	The initial authority (IA) having already concluded that the grievor had been prejudiced, the Committee found that the redress already granted by the IA was the most appropriate and best suited remedy in the circumstances and that it should be re-offered to the grievor.	**Aggrieved** **Recommend Remedy**
2014-149 **2014-150** **2014-151** **2014-152** **2014-153**	**Procedural Fairness** **Remedial Measures**	The Committee found that the remedial measures were unsubstantiated and that the grievors have been denied procedural fairness in all administrative actions taken against them.	**Aggrieved** **Recommend Outside Resolution**
2014-164	**Discrimination** **Pregnancy**	The Committee found that the decision to remove the grievor from an acting while so employed position, after she informed her chain of command of her pregnancy, was discriminatory and contrary to the *Canadian Human Rights Act*.	**Aggrieved** **Recommend Remedy**
2014-165	**Reserve Force Retirement Gratuity**	The Committee found that the grievor was not entitled to receive the Reserve Force Retirement Gratuity on his retirement from the Cadet Organizations Administration and Training Service.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-169	**30-Day Entitlement to Annual Leave and Past Reserve Force Service**	While the Committee found that the grievor was not entitled to count his Reserve Force service as part of the continuous 28 years of CAF service required for the entitlement to 30 days of annual leave, it concluded that the grievor has been aggrieved by the CAF's inaction to fix an inequity within the leave policy that exists since 2004.	**Aggrieved** **Recommend Remedy**

MGERC File No.	Topic(s)	Summary of MGERC's Key Findings	Outcome
2014-173	**Canadian Forces Severance Pay**	The Committee found that the CAF erred in deducting income tax at source from the grievor's Canadian Forces Severance Pay Payment in Lieu.	**Aggrieved** **Recommend Remedy**
2014-184	**Leave Travel Assistance** **Separation Expense**	The Committee found that the grievor was entitled to separation expense as his situation met the entitlement criteria found within *Compensation and Benefits Instructions* (CBI) 208.997(3) and that none of the exclusion criteria found in CBI 208.997(5) applied to his circumstances. The Committee also concluded that the grievor was entitled to claim Leave Travel Assistance expenses for one trip during his posting.	**Aggrieved** **Recommend Remedy**
2014-156 **2014-187** **2014-197**	**Hardship Allowance** **Risk Allowance**	The Committee found that there were no provisions in the regulations for the payment of higher levels of Hardship Allowance (HA) and Risk Allowance (RA) to pilots while flying combat missions. HA/RA levels are based on the living conditions of the post to which the pilot is assigned, and an aircraft is not a post.	**Not Aggrieved** **Recommend Grievance Be Denied**
2014-195	**Claim Against the Crown**	The Committee found that the grievor was prejudiced by the decision to cancel his posting a few days before he was due to move. The Committee found that the grievor may be entitled to receive financial compensation for his spouse's loss of salary, as she had resigned from her full-time employment in anticipation of the imminent posting.	**Aggrieved** **Recommend Outside Resolution**

HIGHLIGHTS

The Committee's Chairperson, Bruno Hamel, speaks during the joint town hall meeting on the military grievance process.

JOINT TOWN HALL MEETING

A joint Committee - Director General Canadian Forces Grievance Authority (DGCFGA) town hall meeting was held in Ottawa on 21 October. The meeting provided a good opportunity to explain the roles of the two organizations within the military grievance process, including their distinctive mandates. Colonel François Malo, DGCFGA, and Bruno Hamel, MGERC's Chairperson, talked to the nearly 130 participants about the recent changes to the military grievance process. Presentations included topics such as the new provisions found in Chapter 7 of the *Queen's Regulations and Orders for the Canadian Forces*, lessons learned and recurrent issues, as well as the efforts to make the grievance process more efficient.

Director General Canadian Forces Grievance Authority, Colonel François Malo

NEW PART-TIME COMMITTEE MEMBER APPOINTED

On June 13, Mr. Allan Fenske was appointed for a three-year term as a part-time member of the Committee. Mr. Fenske, a retired Colonel, has extensive legal expertise in military law and security issues, as well as substantial knowledge of the terms and conditions pertaining to military service.

"Mr. Fenske's impressive experience in military law, as well as his deep knowledge of the CAF's grievance process and the issues facing members of the military, will greatly benefit all stakeholders involved in the military complaint resolution process," said the Chairperson of the Committee, Bruno Hamel.

Allan Fenske taking his oath as a new part-time member

COMMITTEE VISITS CFB HALIFAX/MARLANT

During the visit (May 28-29), the Committee held a town hall meeting and met with various stakeholders involved in conflict resolution at the base. Briefing sessions for senior base staff were also held and allowed for informative exchanges.

The Committee's delegation aboard the frigate *HMCS Ville de Québec*

From left: Bruno Hamel, Sonia Gaal and Geoff Earley

Sylvie Lemay (left), Manager of Human Resources and Vicki Archambault, Senior Advisor

INSPECTOR GENERAL OF THE AUSTRALIAN DEFENCE FORCE VISITS THE COMMITTEE

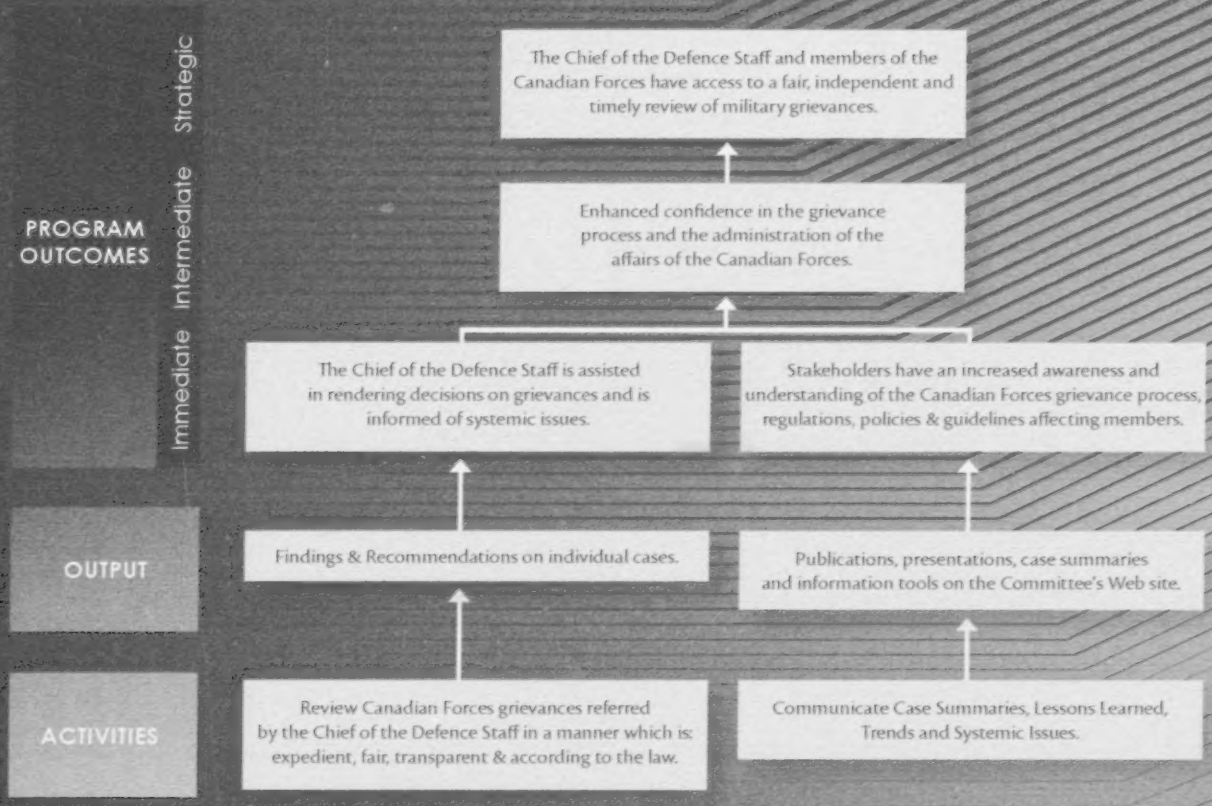
On May 22, the Inspector General of the Australian Defence Force, Mr. Geoff Earley, met with representatives of the Committee to discuss the structures, mandates and resources of the CAF and the Australian Defence Force grievance processes, as well as the important and independent role both organizations play in these processes. "We are always happy to have the opportunity to hear about the experiences and lessons learned by organizations similar to ours. We had a very informative discussion on a variety of topics such as organizational structure and institutional independence," said the Chairperson.

A HUMAN RESOURCES MILESTONE

On May 12, the Committee celebrated, along other departments and agencies, the full implementation of the Common Human Resources Business Process (CHRBP) across government.
An event was organized by the Office of the Chief Human Resources Officer to mark this important milestone in the modernization of Human Resources (HR) in the federal government. As a CHRBP Project Lead, the Committee's HR team played a critical role in the implementation of this government-wide standard and was awarded, as early as November 2013, an honourable mention for being the *first organization to have fully implemented all seven process areas of the CHRBP*. The CHRBP is now the standard for HR service delivery across the Government of Canada.

ANNEXES

LOGIC MODEL


PROGRAM OUTCOMES
Strategic
Intermediate
Immediate
The Chief of the Defence Staff and members of the Canadian Forces have access to a fair, independent and timely review of military grievances.
Enhanced confidence in the grievance process and the administration of the affairs of the Canadian Forces.
The Chief of the Defence Staff is assisted in rendering decisions on grievances and is informed of systemic issues.
Stakeholders have an increased awareness and understanding of the Canadian Forces grievance process, regulations, policies & guidelines affecting members.
OUTPUT
Findings & Recommendations on individual cases.
Publications, presentations, case summaries and information tools on the Committee's Web site.
ACTIVITIES
Review Canadian Forces grievances referred by the Chief of the Defence Staff in a manner which is: expedient, fair, transparent & according to the law.
Communicate Case Summaries, Lessons Learned, Trends and Systemic Issues.

FINANCIAL TABLE

PLANNED SPENDING 2014-15
(IN DOLLARS)

Salaries, wages and other personnel costs	3,812,984
Contribution to employee benefit plans	629,142
Subtotal	**4,442,126**
Other operating expenditures	**1,702,227**
TOTAL PLANNED EXPENDITURES	**6,144,353**

31 December 2014

Actual expenditures will vary from the planned spending.

COMMITTEE MEMBERS AND STAFF

CHAIRPERSON BRUNO HAMEL

Mr. Hamel was appointed Chairperson of the Committee on 2 March 2009. In December 2012, he was reappointed for a second four-year term. Mr. Hamel is a retired Canadian Armed Forces officer with a lengthy and varied experience in military complaint resolution after many years spent as a senior grievance analyst and, later, as Director Special Grievances Enquiries & Investigations within the Director General Canadian Forces Grievance Authority. He has also served as Director General of Operations in the Office of the Ombudsman for the Department of National Defence and the Canadian Armed Forces.

FULL-TIME VICE-CHAIRPERSON SONIA GAAL

Ms. Sonia Gaal was appointed full-time Vice-Chairperson of the Committee for a four-year term, starting February 1st, 2014. Ms. Gaal's experience includes workplace litigation and mediation, at both the provincial and federal levels. She held labour and arbitration related positions for the City of Edmonton and the Government of Alberta, before becoming a full-time member of the Canada Industrial Relations Board, the Vice-Chairperson of the Public Service Staffing Tribunal, then the Director of Human Resources of the *Conseil des écoles publiques de l'Est de l'Ontario*.

PART-TIME VICE-CHAIRPERSON DENIS BRAZEAU

Mr. Denis Brazeau, a retired Colonel, was appointed as a part-time member of the Committee on June 27, 2006, and subsequently as part-time Vice-Chairperson on February 9, 2007.

Mr. Brazeau retired from the Canadian Armed Forces after 30 years of service, which included many deployments abroad and a posting as Chief of Staff of the Secteur du Québec de la Force terrestre. He was appointed an Officer of the Order of Military Merit by the Governor General in 2004.

PART-TIME MEMBER ALLAN FENSKE

Mr. Allan Fenske was appointed on June 13, 2014 as a part-time member of the Committee for a three-year term. Mr. Fenske, a retired Colonel, has extensive legal expertise in military law and security issues, as well as substantial knowledge of the terms and conditions pertaining to military service. For 25 years, he was part of the Office of the Judge Advocate General where he served in various senior positions. He also served for three years as Director General Canadian Forces Grievance Authority.

THE COMMITTEE'S STAFF – DECEMBER 2014

"Our employees always exceed expectations in what they do at the Committee, as well as in their wider role of public servants. More importantly, they never rest on their laurels and always seek ways to get better at fulfilling the Committee's mandate with integrity and professionalism."

Bruno Hamel, Chairperson

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VISIT THE COMMITTEE'S WEB SITE

The Committee publishes on its Web site summaries of the cases reviewed during the last three years, as well as recommendations on systemic issues affecting not only the grievor, but other CAF members.

These summaries and recommendations provide a wealth of information about the Committee's interpretation of policies and regulations, as well as on key issues and trends; the decisions of the final authority are also included.

Other Committee publications available on the Web site include bulletins designed for CAF members, as well as the latest issues of *Perspectives*, a publication intended for senior CAF decision-makers.